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Regulations

TITLE 7—AGRICULTURE

Chapter IX—Food Distribution Administration

PART 930—MILK IN THE TOLEDO, OHIO, MARKETING AREA

HANDLING OF MILK

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

Findings and Determinations

Findings upon the basis of hearing record. Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

1. The aforesaid order, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

2. The prices calculated to give milk produced for sale in the Toledo, Ohio, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other

economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the aforesaid order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

3. The aforesaid order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid tentatively approved marketing agreement, as amended, upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by the aforesaid order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area; and it is further determined that:

1. The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of this order further amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Toledo, Ohio, marketing area; and

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3. The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order and who, during the determined representative period, were engaged in the production of milk for sale in said Toledo, Ohio, marketing area.

Order Relative to Handling

It is, therefore, ordered, That, from and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete § 930.1 (a) (1) and substitute therefor the following:

(1) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

2. Delete the proviso of § 930.5 (a) (4) and substitute therefor the following:

* * * *Provided*, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be used in lieu thereof: Multiply by 3.5 the average price per pound of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and add or subtract 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk is above or below, respectively, 7½ cents per pound. The price per pound of dry skim milk to be used in this proviso shall be the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption, delivered at Chicago, as published by the United States Department of Agriculture during the delivery period, including also in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period.

3. Delete from § 930.7 (c) the phrase "Over 45 cents-----5.5" and substitute therefor:

Over 45 cents, but not over 50 cents..... 5.5
Over 50 cents, but not over 55 cents..... 6.0
Over 55 cents..... 6.5

4. Add as § 930.11 the following:

§ 930.11 *Agents*. The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.)

Issued at Washington, D. C., this 23d day of January 1943, to be effective on and after the 1st day of February 1943. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Approved: January 27, 1943.

JAMES F. BYRNES,
Director of Economic Stabilization.

[F. R. Doc. 43-1465; Filed, January 28, 1943; 11:47 a. m.]

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

HANDLING OF MILK

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

Findings and Determinations

Findings upon the basis of hearing record. Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR. 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

1. The aforesaid order, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will

tend to effectuate the declared policy of the act;

2. The prices calculated to give milk produced for sale in the Chicago, Illinois, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the aforesaid order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

3. The aforesaid order, as amended and as hereby further amended, regulates the handling of milk in the same manner as; and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid tentatively approved marketing agreement, as amended, upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by the aforesaid order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Chicago, Ill., marketing area; and it is further determined that:

1. The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of this order further amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Chicago, Illinois, marketing area; and

3. The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order and who, during the determined representative period, were engaged in the production of milk for sale in said Chicago, Illinois, marketing area.

Order Relative to Handling

It is, therefore, ordered, That, from and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete § 941.1 (a) (11) and substitute therefor the following:

(11) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

2. Delete § 941.4 (b) (3) and substitute therefor the following:

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV, and all bulk milk and bulk cream disposed of to bakeries, soup companies, and candy manufacturing establishments.

3. Delete § 941.5 (a) (4) and substitute therefor the following:

(4) Class III milk—The price per hundredweight for milk containing 3.5 percent butterfat during each delivery period shall be the average computed by the market administrator of prices, as reported by the United States Department of Agriculture, paid during such delivery period to farmers at each of the manufacturing plants or places listed in this subparagraph for which prices are reported, but in no event shall such price be less than the price computed pursuant to subparagraph (5) of this paragraph.

Location of Manufacturing Plants and Places

Mount Pleasant, Mich.	Berlin, Wis.
Sparta, Mich.	Richland Center, Wis.
Hudson, Mich.	Oconomowoc, Wis.
Wayland, Mich.	Jefferson, Wis.
Coopersville, Mich.	New Glarus, Wis.
Greenville, Wis.	Belleville, Wis.
Black Creek, Wis.	New London, Wis.
Orfordville, Wis.	Manitowoc, Wis.
Chilton, Wis.	West Bend, Wis.

4. Delete § 941.5 (b) and substitute therefor the following:

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the prices per hundredweight of Class I and Class II milk, set forth in this section, shall be the price for Class III milk determined pursuant to paragraph (a) (4) of this section, the price for Class IV milk determined pursuant to paragraph (a) (5) of this section, or that derived from the following formula, whichever is the highest:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by six (6);

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(3) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value";

(4) To the combined butter and cheese value add 30 percent thereof; and

(5) Multiply the sum computed in subparagraph (4) of this paragraph by 3.5.

5. Delete § 941.8 (c) and substitute therefor the following:

(c) *Butterfat differential to producers.* For each one-tenth of 1 percent above or below 3.5 percent in average butterfat content of milk delivered by any producer during any delivery period, the uniform price paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: To the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent and divide the result obtained by 10.

6. Add as § 941.13 the following:

§ 941.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.)

Issued at Washington, D. C., this 23d day of January 1943, to be effective on and after the 1st day of February 1943. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Approved January 27, 1943.

JAMES F. BYRNES,
Director of Economic Stabilization.

[F. R. Doc. 43-1466; Filed, January 28, 1943; 11:47 a. m.]

Chapter X—Food Production Administration

[Food Production Order 7]

PART 1210—ANIMAL FOODS

RESTRICTIONS ON MANUFACTURE OF PET FOODS

Pursuant to the authority vested in the Secretary of Agriculture by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate production of

food to meet war and civilian needs, *It is hereby ordered, That:*

§ 1210.1 *Restrictions on manufacture of pet foods*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer of pet foods" means any person who is engaged in commercially manufacturing, processing, making or preparing pet foods.

(2) "Person" means any individual, partnership, corporation, association, or any other organized group of "persons" and shall include any agent, agency, or any "person" acting for or on behalf of any of the foregoing. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(3) "Pet food" means any mixed food-stuffs, rations or other substances intended for consumption by dogs, cats or any other fur-bearing animals used as pets.

(4) "Animal protein" means protein from any animal source.

(5) "Dry weight" means the weight of the ingredients in pet food expressed in terms of a water content of 8 per centum by weight.

(6) "Director" means the Director of Food Production or in his absence the Acting Director of Food Production.

(b) *Restrictions.* (1) Notwithstanding the terms of any contract of sale or purchase or other commitment, whenever made, (i) no manufacturer of pet foods shall, prior to July 1, 1943, manufacture, process, make or prepare any pet food containing animal protein in excess of 8 per centum by dry weight, and (ii) no such manufacturer shall, prior to such date, manufacture, process, make or prepare any pet food containing protein in excess of 24 per centum by dry weight: *Provided,* That, the provisions of this subparagraph (1) of this paragraph (b) shall not apply to any pet food made pursuant to a contract of any such manufacturer entered into with the Army, Navy, Marine Corps, or Coast Guard.

(2) Notwithstanding the terms of any contract of sale or purchase or other commitment, whenever made, no manufacturer of pet food shall during the semiannual period January to June, inclusive, 1943, manufacture, process, make or prepare pet foods in a quantity greater than 50 per centum of the quantity by dry weight of pet foods manufactured, processed, made or prepared by him during the calendar year 1941 or 50 per centum of four times the quantity by dry weight of pet foods manufactured, processed, made or prepared by him during the quarterly calendar period October to December, inclusive, 1942, whichever is greater.

(c) *Reports.* Each person to whom this order is applicable shall, on or before March 15, 1943, execute and file with the Department of Agriculture a report showing the quantity by dry weight of pet foods manufactured, processed, made or prepared by him during the calendar period upon which he elects to base his production, as provided in subparagraph (2) of paragraph (b) of this order, and

each such person shall execute and file with the Department such other reports as the Department may from time to time require.

(d) *Records.* Persons to whom this order is applicable shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales of pet foods and the animal and other protein ingredients thereof.

(e) *Audits and inspections.* Every manufacturer of pet foods, or any other person to whom this order applies, shall, upon request, submit for audit and inspection by duly authorized representatives of the Department of Agriculture his books, records, and accounts, and shall permit inspections of his place of business and plant by such representatives.

(f) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, or whoever with another conspires to perform any of such acts, is guilty of a crime and upon conviction may be punished by fine and imprisonment. In addition, any such person may by administrative suspension order be prohibited from receiving any deliveries of or selling or otherwise disposing of or using any animal or other protein material or any other material now or hereafter authorized to be rationed or allocated by, or subject to the priority control of, the Secretary of Agriculture, and may be deprived of any priority assistance. Further, the Director may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of this order or any amendment or supplement thereto be denied the privilege to receive, use, sell or otherwise dispose of any other materials which now are or in the future may be under allocation.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and information. The Director may, upon the basis of such application and other information, take such action as he deems appropriate. The decision of the Director shall be in writing and shall be final and conclusive.

(h) *Delegation of authority.* The administration of this Food Production Order No. 7 and the powers conferred upon the Secretary of Agriculture by Executive Order No. 9280, insofar as such powers relate to the administration of this order, are hereby delegated to the Director of Food Production or in his absence to the Acting Director of Food Production. The Director shall be assisted in the administration of this order by such employees of the Department of Agriculture as he may designate, and said employees are hereby authorized to administer the provisions of this order.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the United States Department of Agriculture, Food Production Administration, Washington, D. C., Ref. FPA 7.

(j) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., January 29, 1943.

(E.O. 9280, 7 F.R. 10179)

Done at Washington, D. C., this 27th day of January 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-1458; Filed, January 27, 1943;
4:18 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1787]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines and for changes in shipping points for the coals of certain other mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and requesting changes in shipping points for the coals of certain other mines also located in District No. 1, and requesting a change in seam designation for the coals of the Getch Coal Co. Mine, Mine Index No. 746 of Ellinger & Getch; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplements R-I and R-II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the tempo-

rary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings

instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2782	Allaman Mining Co. (Francis Allaman)	Beaver (S)	1	B	Knox, Pa.	B&O	20	(f)	(f)	F	(f)	(f)
777	Boyer, P. B.	Boyer	6	E	Falls Creek, Pa.	PRR	124	(f)	(f)	(f)	(f)	(f)
3804	Swetzer, Earl W.	Hillcrest	41	Pittsburgh	Meyersdale, Pa.	WMd	102	(f)	(f)	(f)	(f)	(f)
3809	Wagner, Frank H. (Potomac Smokeless Coal Co.)	Garrett #1 (Upper Bench)	44	E	Gorman, Md.	WMd	68	(f)	(f)	(f)	(f)	(f)
3810	Wagner, Frank H. (Potomac Smokeless Coal Co.)	Garrett #1 (Lower Bench)	44	E	Gorman, Md.	WMd	68	(f)	(f)	(f)	(f)	(f)
3883	Walker, Ray S. (Bradford Coal Co.)	Aurora #1	8	D	Shawsville, Pa.	NYC	44	(f)	(f)	(f)	(f)	(f)

Indicates no classification effective for this size group.

* Indicates coal in this size group previously classified and priced.

§ 321.7 Alphabetical list of code members—Supplement R-II

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group number	1	2	3	4	5
767	Albert, Frank W. (Albert Stripping Mine)	Albert #2	3	D	Loop Run Siding, Spruce, Pa.	NYC	44	F	F	F	F	F
253	King Coal Co. (Louis Boron)	King #1	20	E	Janesville Br., Janesville, Pa.	PRR	45	(f)	(f)	(f)	(f)	(f)
878	Walker, Ray S. (Bradford Coal Co.)	Cooper Smokeless #2	8	B	Morrisdale, Pa., Bigler, Pa.	NYC, PRR	46	(f)	(f)	(f)	(f)	(f)

Indicates no classification effective for this size group.

NOTE: The above prices are applicable only via the respective freight origin group, shipping point, and railroad shown for the respective mines. Freight origin groups, shipping points, and railroads previously assigned to these mines are no longer applicable.

No relief is granted for the Getch Coal Co. Mine, Mine Index No. 746 operated by Ellinger and Getch as requested by petitioner for the reasons set forth in an order severing that portion of Docket No. A-1787 which relates to this mine

[SEAL] DAN H. WHEELER,

Director.

and designating such severed portion as Docket No. A-1787, Part II.

Dated: January 12, 1943.

entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 329.24 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the

Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. *It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted for the coals produced at the Colyer Mine, Mine Index No. 516, of I. J. Lloyd as requested by petitioner for the reasons set forth in an order severing that portion of Docket No. 1789 which relates to such mine and designating such portion as Docket No. A-1789 Part II.

Dated: January 6, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 Alphabetical list of code members—Supplement R

Mine index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
815	Bowman, James T.	Drake	9	30	Island	L&N
1032	Duncan, W. G. Coal Company, Inc.	Graham	9	10	Graham	IC
825	Harris, Harris & Harris (O. J. Harris)	Payne & Phillips	9	30	Owensboro	L&N-IC
1045	Hazelwood, Aubrey	Bluff City Coal Co.	9	50	Henderson	L&N-IC
753	Martin, Monroe	Adam	9	30	Nobo	L&N-IC
865	Murray, Arthur C.	Murray	9	40	Nortonville	L&N-IC
972	Newman & Brackett (Mural E. Newman)	Barnes No. 1	9	140	Morton	L&N
709	Porter, F. D.	Jack	9	10	Beaver Dam	IC
723	Raley & Sons (W. O. Raley)	Raley	9	10	Beaver Dam	IC
1049	Roberts, W. F.	Blue Ribbon	11	30	Drakesboro	L&N
1053	Roberts, P. N.	Roberts	9	50	Henderson	L&N-IC
732	Stewart, John B.	Stewart	11	10	Depoy	IC
201	Walker, Roy	Howton-Parrish	9	150	Providence	IC
373	Warner & Bratcher (J. W. Warner)	Warner & Bratcher	11	10	Greenville	IC
1051	Wilson, J. F.	J. F. Wilson	9	10	Dawson Springs	IC

¹ Freight Origin Group 10 is no longer applicable.

² Freight Origin Group 30 is no longer applicable.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 815, 1032, 825, 1045, 753, 865, 972, 709, 723, 1049, 1054, 732, 201, 373, 1051 to any market area in any size group and for any use, including Railroad locomotive fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in minimum price schedule for District No. 9, for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	3/4" and under slack
Allaman Mining Co. (Francis Allaman)	3783	Beaver (S)	1	Clarion	B	265	240	240	230	220
Boyer, P. B.	727	Boyer	6	Jefferson	E	(f)	(f)	(f)	230	220
Fye, Ralph and Glenn (Glenn Fye)	3872	Fye	9	Centre	C	(f)	(f)	(f)	245	(f)
Lincoln Coal Co. (Lloyd Snyder)	3882	Darr	36	Somerset	E	(f)	(f)	(f)	245	(f)
Sweitzer, Earl W.	3804	Hillcrest	41	Somerset	Pittsburgh	(f)	(f)	(f)	235	(f)
Wagner, Frank H. (Potomac Smokeless Coal Co.)	3806	Garrett #1 (Upper Bench)	44	Garrett	E	(f)	(f)	(f)	245	(f)
Wagner, Frank H. (Potomac Smokeless Coal Co.)	3810	Garrett #1 (Lower Bench)	44	Garrett	E	(f)	(f)	(f)	230	(f)
Walker, Ray S. (Bradford Coal Co.)	3883	Aurora #1	8	Clearfield	D	(f)	(f)	(f)	245	235

*Indicates no classification effective for this size group.

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 43-1416; Filed, January 27, 1943; 11:16 a. m.]

[Docket No. A-1789]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifica-

tions and minimum prices for the coals of certain mines in District No. 9; and the revision of the minimum prices applicable to the coals produced at the Colyer Mine, Mine Index No. 516 of I. J. Lloyd; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, It is ordered, That,

pending final disposition of the above-

Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof: *Provided, however*, That, in view of the circumstances hereinafter set forth, the price classifications and minimum prices provided in said Supplement R and Supplement T for the coals of Mine Index No. 73 shall not become effective until ten days from the date of this order.

Petitioner analogizes the coals of its Panama Vein Coal Company No. 1 Mine (Mine Index No. 73), when produced by the machine cut method of operation, to the coals of Mine Index No. 59, operated by the Kenner Mining Company and the coals of Mine Index No. 42, operated by the Gillie Coal Company, both such mines being located in Subdistrict 7 in District No. 14. However, for the coals of the Panama Vein Coal Company No. 1 Mine in Size Group 18 for all shipments except truck, petitioner proposes a classification of "A," whereas Mine Index No. 59 and Mine Index No. 42 are classified "K" in that size group for all shipments except truck. The price classification established herein for the coal of the Panama Vein Coal Company No. 1 Mine in Size Group 18 for all shipments except truck has accordingly been conformed with the price classification heretofore established for the coals produced from Mine Index Nos. 59 and 42 in Subdistrict 7 in District No. 14.

Petitioner requests the establishment of price classifications and minimum prices for the coals of its Panama Vein Coal No. 1 Mine (Mine Index No. 73) when produced by the machine cut method of operation. Price classifications and minimum prices have heretofore been established for the coals of that mine when produced by the solid shot method of operation. Inasmuch as petitioner, in the operation of Mine

Index No. 73, has changed from a solid shot to a machine cut method of operation and has complied with Order No. 341 in reporting such change to District Board No. 14 and to the Division, there appears no necessity for the continued existence of solid shot price classifications and minimum prices for the coals of petitioner's mine. Accordingly, Supplements R and T annexed hereto, provide price classifications and minimum prices for the coals of Mine Index No. 73 as produced by the machine cut method of operation, which classifications and prices however, as previously set forth herein, do not become effective until ten days from the date of this order.

It is further ordered, That effective ten days from the date of this order the price classifications and minimum prices heretofore established in General Docket No. 15, § 334.5 (*Alphabetical list of code members*) and § 334.24 (*General prices for shipment into all market areas*), for the coals of Mine Index No. 73, when produced by the solid shot method of operation be, and the same hereby are, canceled and deleted from the Schedules of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and for Truck Shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: January 8, 1943.

[SEAL]

DAN H. WHEELER,
Director.

FOR TRUCK SHIPMENTS

§ 329.24 General prices in cents per net ton for shipment into any market area—
Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.												
				1	2	3	4	5	6	7	8	9	10	11	12	13
HANCOCK COUNTY																
Swihart, Willie	1030	Swihart	Seam										10	11	12	13
HENDERSON COUNTY																
Hazelwood, Aubrey	1045	Bluff City Coal Co.	#9										10	11	12	13
Robards, B. N.	1054	Robards	#9										10	11	12	13
HOPKINS COUNTY																
Wilson, J. F.	1051	J. F. Wilson	#9										10	11	12	13
M'LEAN COUNTY																
Perry, Burl	1047	Burl	#9										10	11	12	13
MUHLBERG COUNTY																
Duncan Coal Co., W. G.	1052	Graham	#9										10	11	12	13
Revellette, W. F.	1049	Blue Ribbon	#11										10	11	12	13
OHIO COUNTY																
Minkoff, C. P.	1046	Minkoff	#11										10	11	12	13

[F. R. Doc. 43-1417; Filed, January 27, 1943; 11:16 a. m.]

[Docket No. A-1768]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of the Panama Vein Coal Company, code member in District No. 14, for the establishment of price classifications and minimum prices for the coals of the Panama Vein Coal Co., No. 1 mine, when produced by the machine cut method of operation.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classi-

fications and minimum prices for the coals of the Panama Vein Coal Company No. 1 Mine, (Mine Index No. 73) of the Panama Vein Coal Company in Subdistrict 7 in District No. 14 for All Shipments Except Truck and for Truck Shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine Index No.	Mine name	Subdistrict No.	Shipping point	Railroad	Freight origin Group No.	Price classification by size group																			
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
							(t)	(t)	(t)	E	(t)	F	F	F	F	G	F	L	D	B	B	B	A	K	(t)	(t)
Panama Vein Coal Co., c/o Ellis Myers.	73	Panama Vein Coal Co. No. 1...	7	Bokoshe, Okla...	FT&VB...	12																				

†Indicates no classification effective for this size group previously classified and priced.

FOR TRUCK SHIPMENTS

§ 334.24 General prices for shipment into all market areas—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member	Mine index No.	Mine name	Sub-district No.	County	Prices and size group Nos.																					
Panama Vein Coal Co., c/o Ellis Myers.	73	Panama Vein Coal Co. No. 1.....	7	LeFlore, Okla...	(t)	(t)	(t)	465	(t)	465	(t)	465	465	440	400	385	330	230	165	145	135	215	370	(t)	(t)	(t)

†Indicates no classification effective for this size group previously classified and priced.

[F. R. Doc. 43-1415; Filed, January 27, 1943; 11:16 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-220]

VENETIAN PRODUCTS COMPANY

Sara D. Cohen, doing business under the name of Venetian Products Company, Syracuse, New York, is a manufacturer of venetian blinds which are classified as metal household furniture under Limitation Order L-62. Her husband, Sidney M. Cohen, is the manager of the business and in reality runs the company. From July 23, 1942, through September 17, 1942, the company used substantial quantities of steel in the manufacture of venetian blinds in wilful violation of Limitation Order L-62.

This violation of Limitation Order L-62 has hampered and impeded the war effort of the United States by diverting

scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, That:

§ 1010.220 Suspension Order No. S-220. (a) Sara D. Cohen and Sidney Cohen, doing business as Venetian Products Company or otherwise, their successors and assigns, shall not sell, transfer, deliver, process, assemble or produce any metal household furniture as the same is defined in Limitation Order L-62 whether in semifinished or finished form or any parts therefor, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order deliveries of material to Sara D. Cohen and Sidney Cohen, doing business as Venetian Products Company or otherwise, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rat-

ings shall be assigned or applied to such deliveries to Sara D. Cohen and Sidney Cohen, doing business as Venetian Products Company or otherwise, by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) For a period of six months from the effective date of this order no allocation shall be made to Sara D. Cohen and Sidney Cohen, doing business as Venetian Products Company or otherwise, their successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Sara D. Cohen

and Sidney Cohen, doing business as Venetian Products Company or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on January 30th, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1447; Filed, January 27, 1943; 3:53 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-221]

FRIEDMAN BAG CO.

Friedman Bag Company, Los Angeles, California, is a partnership engaged in manufacturing burlap bags and in importing burlap. During the months of May, June, and July, 1942, the Company made deliveries of burlap bags to numerous users of agricultural bags in excess of the quantity that each such user was entitled to receive under its quota as established by Conservation Order M-47. During this period, the Company was familiar with the provisions of Conservation Order M-47 but acted in reckless disregard of the restrictions contained therein. The excess deliveries amounted to approximately 237,000 burlap bags.

This violation of Conservation Order M-47 has hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.221 Suspension Order S-221.

(a) Friedman Bag Company, its successors and assigns, shall not manufacture, sell, deliver, rent, accept delivery of, purchase or otherwise deal in any textile bags as defined in Conservation Order M-221, whether new or used, except as specifically authorized by the Regional Compliance Chief, San Francisco Regional Office, War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Friedman Bag Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect February 1, 1943, and shall expire on March 31, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1448; Filed, January 27, 1943; 3:53 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-222]

PARAMOUNT FLAG CO.

Paramount Flag Company, 626 Fourth Street, San Francisco, California, is a partnership composed of H. W. Pollock and W. J. Kunedt engaged in the business of manufacturing flags. On or about June 8, 1942, the Company received

a purchase order from the United States Treasury Department assigning a preference rating of A-1-a for the purchase of 1288 flags, and on or about July 13, 1942, the Company received a purchase order from the United States Maritime Commission assigning a preference rating of A-1-a for the purchase of 839 flags. The Company applied these preference ratings to purchase materials greatly in excess of the specific quantities and kinds of materials required for those two orders.

The application by the Company of these preference ratings to obtain deliveries of materials in excess of the specific quantities and kinds authorized, which materials were not used for the purpose specified in connection with the issuance of the preference ratings, constituted wilful violations of Priorities Regulation No. 1 and Priorities Regulation No. 3 which have impeded and hampered the war effort of the United States. In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.222 Suspension Order S-222.

(a) Deliveries of material to H. W. Pollock and W. J. Kunedt, doing business under the trade name of the Paramount Flag Company or otherwise, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except with the specific approval of the Regional Compliance Chief of the San Francisco Regional Office of the War Production Board.

(b) No allocation shall be made to H. W. Pollock and W. J. Kunedt, doing business under the trade name of the Paramount Flag Company or otherwise, their successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve H. W. Pollock and W. J. Kunedt, doing business under the trade name of the Paramount Flag Company or otherwise, their successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 30, 1943, and shall expire on April 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O.

9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1449; Filed, January 27, 1943; 3:53 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-224]

BERG MANUFACTURING AND SALES CO.

Berg Manufacturing and Sales Company, Chicago, Illinois, a partnership composed of Art Berg and Joe Berg, is a warehouse as defined in General Preference Order M-9-a. From February 6, 1942, to June 30, 1942, the Company sold copper wire and copper tubing on orders which either did not bear any preference ratings or did not bear the preference ratings required by General Preference Order M-9-a. During this period the Company was aware of the restrictions imposed by General Preference Order M-9-a and its sales constituted wilful violations of that order which have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.224 Suspension Order No. S-224.

(a) Art Berg and Joe Berg, individually or doing business as Berg Manufacturing and Sales Company or otherwise, their successors and assigns, shall not accept delivery of, sell, transfer, deliver, or otherwise deal in any copper or copper base alloy wire or tubing, except with the written approval of the Regional Compliance Chief, Chicago Regional Office, War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Art Berg and Joe Berg, individually or doing business as Berg Manufacturing and Sales Company or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on January 30, 1943, and shall expire on April 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1450; Filed, January 27, 1943; 3:53 p. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 255,¹ Amendment 3]

PERMITTED INCREASES FOR WHOLESALE OF CERTAIN FOODS

Canned fruits, berries and juices, as listed.
 Frozen fruits, berries and vegetables.
 Fruit preserves, jams and jellies.
 Apple butter.
 Canned apples.
 Apple sauce.
 Apple juice.
 Vinegar cured herring.
 Canned boned chicken and turkey.
 Maple sugar.
 Blended maple syrup.
 Fountain fruits.
 Egg noodles.
 Tamales.
 Tortillas.
 Potato chips.
 Raisin filled or topped biscuits and crackers.
 Fig bars.
 Bakers' fillings for fruit pie and pastry.
 Peanut candy.
 Honey (extracted).
 Canned chili con carne.
 Shoestring potatoes.
 Julienne potatoes.
 Pretzels.
 Nut topping.
 Canned prune juice, canned dried prunes, canned prune concentrate, and all other canned dried prune products.
 Canned chicken and noodle dinner.
 Canned chicken a la king.
 Canned homestyle chicken.

A statement of the considerations involved in the issuance of Amendment No. 3 to Maximum Price Regulation No. 255 has been issued and filed with the Division of the Federal Register.*

The title is amended, as shown above; subparagraphs (5) and (6) of § 1351.703 (d) are revoked, and subparagraphs (24) to (32), inclusive, are added, as shown below.

§ 1351.703 *Wholesaler's maximum prices for certain listed foods.* * * *

(d) This regulation shall apply to these products:

(24) Canned chili con carne, using March 1942 as the base month.

(25) Shoestring potatoes, using March 1942 as the base month.

(26) Julienne potatoes, using March 1942 as the base month.

(27) Pretzels, using March 1942 as the base month.

(28) Nut topping, using March 1942 as the base month.

(29) Canned prune juice, canned dried prunes, canned prune concentrate, and all other canned dried prune products, using March 1942 as the base month.

(30) Canned chicken and noodle dinner, using March 1942 as the base month.

(31) Canned chicken a la king, using March 1942 as the base month.

(32) Canned homestyle chicken, using March 1942 as the base month.

§ 1351.717 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (title and §§ 1351.703 (d) and 1351.717 (c)) to Maximum Price Regulation No. 255 shall become effective February 2, 1943.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8890, 10471, 10472.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1429; Filed, January 27, 1943; 12:30 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 256,¹ Amendment 1]

PERMITTED INCREASES FOR RETAILERS OF CERTAIN FOODS

Canned fruits, berries and juices, as listed.
 Frozen fruits, berries and vegetables.
 Fruit preserves, jams and jellies.
 Apple butter.
 Canned apples.
 Apple sauce.
 Apple juice.
 Vinegar cured herring.
 Canned boned chicken and turkey.
 Maple sugar.
 Blended maple syrup.
 Fountain fruits.
 Egg noodles.
 Tamales.
 Tortillas.
 Potato chips.
 Raisin filled or topped biscuits and crackers.
 Fig bars.
 Peanut candy.
 Honey (extracted).
 Canned chili con carne.
 Shoestring potatoes.
 Julienne potatoes.
 Pretzels.
 Nut topping.
 Canned prune juice, canned dried prunes, canned prune concentrate, and all other canned dried prune products.
 Canned chicken and noodle dinner.
 Canned chicken a la king.
 Canned homestyle chicken.

A statement of the considerations involved in the issuance of Amendment No. 1 to Revised Maximum Price Regulation No. 256 has been issued and filed with the Division of the Federal Register.*

The title is amended, as shown above; subparagraphs (5) and (6) of § 1351.203 (b) are revoked, and subparagraphs (23) to (31), inclusive, are added, and a new § 1351.216 is added, as shown below.

§ 1351.203 *Retailer's maximum prices for certain listed foods.* * * *

(b) This method of calculating the retailer's maximum prices shall apply to these products:

(23) Canned chili con carne.

(24) Shoestring potatoes.

(25) Julienne potatoes.

(26) Pretzels.

(27) Nut topping.

(28) Canned prune juice, canned dried prunes, canned prune concentrate, and all other canned dried prune products.

(29) Canned chicken and noodle dinner.

(30) Canned chicken a la king.

(31) Canned homestyle chicken.

§ 1351.216 *Effective dates of amendments.* (a) Amendment No. 1 (title and §§ 1351.203 (b) and 1351.216 (a)) to Revised Maximum Price Regulation No. 256 shall become effective February 2, 1943.

¹ 7 F.R. 8893, 10473.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1430; Filed, January 27, 1943; 12:30 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 312]

MAPLE SYRUP

In the judgment of the Price Administrator, it is necessary and proper that maximum prices be established for sales of maple syrup by producers and packers by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 312 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

The maximum prices established herein are not below prices which reflect to producers of maple syrup prices for their product equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

Therefore, with the concurrence of the Secretary of Agriculture, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 312 is hereby issued.

Sec.

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AUTHORITY: §§ 1351.1601 to 1351.1616, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. No. 9250, 7 F.R. 7871.

§ 1351.1601 *Prohibition.* On and after February 2, 1943, regardless of any contract, agreement, lease, or other obligation:

¹ 7 F.R. 8961.

(a) No person shall sell or deliver any maple syrup at prices higher than the maximum prices set forth in § 1351.1615 of this Maximum Price Regulation No. 312.

(b) No person shall buy or receive any maple syrup in the course of trade or business at higher prices than the maximum prices set forth in § 1351.1615 of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(d) The provisions of this section shall not be applicable to sales or deliveries of maple syrup to a purchaser, if prior to February 2, 1943, such maple syrup has been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1351.1602 *Exempt sales.* (a) The provisions of this regulation shall not be applicable to sales by wholesalers and sales by retailers, except that wholesale sales and retail sales by packers and producers shall be governed by the provisions of this regulation. Sales by wholesalers and sales by retailers shall be governed by the provisions of Maximum Price Regulation Nos. 237 and 238, respectively.

§ 1351.1603 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

§ 1351.1604 *Records and reports.* (a) Every producer and packer who makes sales of maple syrup after the effective date of this regulation shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

(b) Every person making sales of maple syrup pursuant to this regulation shall submit such reports to the Office of Price Administration, and such other records as the Office of Price Administration may from time to time require.

(c) Every packer who sells an item of "flavoring" maple syrup shall within ten days after calculating his maximum price for each such item submit to the Office of Price Administration, Washington, D. C., a statement showing his "base prices" and his maximum prices as computed under paragraph (e) of § 1351.1615, and shall include in such statement, the figures which were the basis of the required computations.

§ 1351.1605 *Evasion.* Price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to the commodities whose prices are herein regulated alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or other trade understanding, or otherwise.

§ 1351.1606 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1351.1607 *Export sales.* The maximum price at which a person may export maple syrup shall be determined in accordance with the provisions of the Revised Maximum Export Regulation⁷ issued by the Office of Price Administration.

§ 1351.1608 *Applicability of the General Maximum Price Regulation.*⁸ (a) The provisions of this Maximum Price Regulation No. 312 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of maple syrup for which maximum prices are established by this regulation.

(b) The following sections of the General Maximum Price Regulation, and amendments thereto, and Revised Supplementary Regulation No. 4⁹ thereof shall be applicable to every person making sales and deliveries covered by this regulation.

(1) § 1499.14 Sales slips and receipts.
(2) § 1499.16 Licensing.
(3) § 1499.29 (a) (5) Developmental contracts.

(4) § 1499.29 (a) (6) Secret contracts.
(5) § 1499.29 (a) (7) Emergency purchases.

(6) § 1499.29 (a) (15) Sales or deliveries of the War Department or the Department of the Navy through such Departments sales stores.

§ 1351.1609 *Geographical applicability.* The provisions of this regulation shall be applicable only to the 48 states of the United States and the District of Columbia.

§ 1351.1610 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any seller are sold or otherwise transferred on or after February 2, 1943, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken

place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer, which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1351.1611 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1¹⁰ issued by the Office of Price Administration.

§ 1351.1612 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended considerations, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1351.1613 *Taxes.* Any tax upon, or incident to, the sale or delivery of maple syrup imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) As to a tax in effect prior to the effective date of this Maximum Price Regulation No. 312. (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this regulation.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

(b) As to a tax or increase in a tax which becomes effective after the effective date of this regulation. If the stat-

⁷ F. R. 5059, 7242, 8829, 9000, 10530.

⁸ F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F. R. 371.

⁹ F. R. 5056, 5089, 5566, 6082, 6426, 6084, 6793, 6744, 7175, 7538, 8021, 9827, 10022, 10110, 10531; 8 F. R. 130, 137, 372.

¹⁰ F. R. 8961.

ute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1351.1614 *Definitions.* (a) When used in this Maximum Price Regulation No. 312, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Domestic consumer" means a person who buys maple syrup for personal use. The term does not include any industrial, commercial, governmental or institutional consumer.

(3) "Wholesaler" means a person engaged in the grocery distributing business who buys maple syrup and resells it to any person other than a "domestic consumer". The term includes chain store warehouses but does not include producers and packers even though part of their sales are at wholesale.

(4) "Retailer" means a person who buys maple syrup and resells it to a "domestic consumer". The term does not include producers and packers even though part of their sales are at retail.

(5) "Producer" means a person who obtains maple sap by tapping maple trees and converts the sap into maple syrup by evaporating or other means.

(6) "Packer" means a person who customarily purchases maple syrup from producers and packages it in containers for sale and may or may not also engage in reselling maple syrup in bulk to others with or without further processing it. The term includes persons who are acting in the capacity of selling agents for producers or packers regardless of whether their selling compensation results from a commission, or from buying at a discount below the packer's price.

(7) "Maple syrup" means syrup made by the evaporation of pure maple sap or from a solution of maple concrete (maple sugar). It contains not more than 35% of water, and weighs not less than 11 pounds to the gallon (231 cubic inches). However, solely for the purposes of this regulation, the term "maple syrup" shall include maple sap of 33°, 34°, and 35° density for which prices are provided in § 1351.1615 (a) (1) below.

(8) "Flavoring maple syrup" means maple syrup which is extremely dark in color, sold only for flavoring or blending purposes and is too strong in taste to be suitable for table use.

§ 1351.1615 *Maximum prices for maple syrup—(a) Producer's maximum prices for maple syrup sold to packers.*

(1) The producer's maximum price per pound, f. o. b. point of production,

for the following grades of maple syrup sold to packers, shall be as follows:

Grades	Baumé					
	33°	34°	35°	36°	37°	38°
Fancy A A.....	\$0.17	\$0.18	\$0.185	\$0.19	\$0.1925	\$0.195
A.....	.16	.17	.175	.18	.1825	.185
B.....	.15	.16	.165	.17	.1725	.175
C.....	.14	.15	.155	.16	.1625	.165

(2) Producers are prohibited from receiving and packers from paying bonuses whether or not such bonuses result in prices higher than those listed in subparagraph (1) immediately above.

(3) The grades set out in this paragraph (a) shall be determined in accordance with all the criteria, except the density criterion, set forth in the U. S.

Standards For Maple Syrup For Reprocessing issued by the United States Department of Agriculture.

(4) The above prices are the maximum prices irrespective of the terms of payment. However, discounts and allowances may always be given when they result in less than the maximum prices.

(b) *Producer's maximum prices for maple syrup sold to persons other than packers.* (1) The producer's maximum price, f. o. b. point of production for sales other than sales made to packers shall be the same as those established for packers' in paragraphs (c), (d), and (e) below.

(c) *Packer's maximum prices for sales of Grade A or better and B maple syrup when sold with the container.* (1) The packer's maximum prices f. o. b. plant for Grades A or better, and B maple syrup sold in the following size containers shall be as follows:

PACKERS' CEILING PRICES

Size container	Grade	Prices on sales to wholesalers, commercial, industrial, governmental and institutional users.				Prices on sales directly to retailers				Prices on sales directly to domestic users (per container)
		(Per case of 24)	(Per case of 12)	(Per case of 6)	(Per case of 1)	(Per case of 24)	(Per case of 12)	(Per case of 6)	(Per case of 1)	
6 Oz.....	A or Better.....	\$4.08	\$2.09			\$4.49	\$2.30			\$0.22
6 Oz.....	B.....	3.83	1.97			4.21	2.16			.20
8 Oz.....	A or Better.....	5.05	2.53			5.56	2.84			.27
8 Oz.....	B.....	4.72	2.41			5.19	2.64			.25
10 Oz.....	A or Better.....	6.10	3.10			6.71	3.41			.33
10 Oz.....	B.....	5.69	2.90			6.26	3.18			.30
12 Oz.....	A or Better.....	7.12	3.61			7.83	3.97			.38
12 Oz.....	B.....	6.62	3.36			7.28	3.69			.35
16 Oz. (Pt.).....	A or Better.....	8.94	4.52			9.84	4.97			.48
16 Oz. (Pt.).....	B.....	8.28	4.19			9.11	4.61			.44
24 Oz.....	A or Better.....	13.40	6.75			14.74	7.43			.71
24 Oz.....	B.....	12.41	6.26			13.65	6.88			.66
32 Oz. (Qt.).....	A or Better.....	17.68	8.84			19.34	9.72			.94
32 Oz. (Qt.).....	B.....	16.26	8.18			17.89	9.00			.87
1/2 Gallon.....	A or Better.....	34.64	17.37	\$8.74		38.10	19.11	\$9.61		1.85
1/2 Gallon.....	B.....	32.00	16.05	8.08		35.20	17.65	8.88		1.71
1 Gallon.....	A or Better.....		31.78	15.94			34.96	17.63		3.39
1 Gallon.....	B.....		29.14	14.62			32.05	16.08		3.11
5 Gallon.....	A or Better.....				\$12.89				\$14.18	16.50
5 Gallon.....	B.....				11.79				12.97	15.09
5 Gallon.....	C.....				10.69				11.76	13.68

(2) The grades set forth in this paragraph (c) shall be determined in accordance with all the criteria set forth in the U. S. Standards For Table Maple Syrup issued by the United States Department of Agriculture.

(3) The prices set forth for packers in this paragraph (c) include the container, and shall apply to all types of containers irrespective of their shape or composition. The prices are cash prices for the quantities and class of purchaser set forth. Packers may charge an additional 1% on those sales where credit for ten days or longer is extended.

(d) *Packer's maximum prices for "bulk sales" of maple syrup.* (1) The packer's maximum prices, f. o. b. plant, for "bulk sales" of the following grades of maple syrup shall be as follows:

Grades	Maximum price per pound	
	Filtered	Unfiltered
Fancy A A.....	\$0.235	\$0.225
A.....	.225	.215
B.....	.215	.205
C.....	.205	.195

(2) "Bulk sales" means (i) Sales where the purchaser furnishes the drum or other container in which the maple syrup is received; or (ii) Sales where the seller furnishes the drum or container but the sale is made on a returnable drum or container basis.

(3) The grades set forth in this paragraph (c) shall be determined in accordance with all the criteria set forth in the U. S. Standards for Maple Syrup for Reprocessing issued by the United States Department of Agriculture.

(e) *Packer's maximum prices for "flavoring" maple syrup.* (1) The packer's maximum price, f. o. b. packing plant for each item that is for each type and container size of "flavoring" maple syrup for each class of purchaser shall be his "base price" plus 66¢ per gallon.

(i) The "base price" shall be calculated by dividing the total dollars charged each class of purchaser for such item during the period comprising the months of April, May and June, 1941, hereinafter called the "base period," by the number of such items sold such class of purchasers during the "base period."

Example: X packer seeks the maximum price of a 5-gallon tin of type Q "flavoring" maple syrup. In determining his "base price", he ascertains that he sold during the "base period" a total of 1000 5-gallon tins for which he received \$5000. The maximum price would be computed as follows:

\$5,000 ÷ 1,000 5-gallon tins =	\$5.00
5 gal. × \$.66 =	\$3.30
	\$8.30

¹ "Base price" for one 5-gallon tin.

² "Permitted increase" on a 5-gallon tin.

³ Maximum price on a 5-gallon tin of "flavoring" maple syrup.

(2) Packers seeking to price "flavoring" maple syrup which is to be sold without the container or on a returnable container basis, shall use the same method provided for in subparagraph (1) immediately above, except that their "base price" shall be computed by using only sales that were made on a returnable container basis during the "base period."

(f) *Imports.* (1) The maximum prices for maple syrup which is imported into the United States shall apply f. o. b. point of entry and shall include duty.

(g) *Delivered prices.* The delivered price for any commodity subject to the provisions of this regulation shall in no case exceed the established maximum f. o. b. price plus the actual transportation charges incurred from the seller's shipping point to the place of destination.

(h) *Maximum prices for "maple syrup" items on which no price has been established.* (1) The maximum price for any item of maple syrup subject to the provisions of this regulation which is to be sold, and for which a maximum price is not established by this Maximum Price Regulation No. 312, shall be determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (i) a description of the grade of syrup and size of the container of the item upon which a price is sought; and (ii) the factory door cost of such item. The "factory door cost" shall include all direct and indirect costs and expenses chargeable to the production of the item, but shall not include costs and expenses chargeable to the administration, selling, advertising or transportation; and (iii) the factory door costs and maximum selling prices of the three most comparable items together with their description.

(2) Until the Office of Price Administration shall fix a price upon such item of "maple syrup," the applicant's maximum prices shall be those which have been established pursuant to the provisions of the General Maximum Price Regulation.

§ 1351.1616 *Effective date.* This Maximum Price Regulation No. 312 (§§ 1351.1601 to 1351.1616, inclusive), shall become effective February 2, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

CLAUDE WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-1432; Filed, January 27, 1943; 12:31 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 311]

SALES BY CANNERS OF SHRIMP

In the judgment of the Price Administrator the prices of canned shrimp have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has ascertained and given due consideration to the prices of canned shrimp prevailing between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable, and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below the average prices of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 311 is hereby issued.

AUTHORITY: §§ 1364.751 to 1364.763 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7371.

§ 1364.751 *Prohibition against dealing in canned shrimp at prices above the maximum.* On or after February 2, 1943, regardless of any contract, agreement, or other obligation, no canner, or agent or other person acting on behalf, or under control, of such canner shall sell or deliver any canned shrimp, and no person in the course of trade or business shall buy or receive from a canner any shrimp at prices higher than those set forth in Appendix A hereof, incorporated herein as § 1364.763; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of canned shrimp to a purchaser if prior to February 2, 1943, such shrimp has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.752 *Conditional agreement.* No canner of shrimp shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.763 in the event that this Maximum Price Regulation No. 311 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and

*Copies may be obtained from the Office of Price Administration.

such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.753 *Export sales.* The maximum price at which a person may export canned shrimp shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation¹ issued by the Office of Price Administration.

§ 1364.754 *Less than maximum prices.* Lower prices than those set forth in § 1364.763 may be charged, demanded, paid, or offered.

§ 1364.755 *Evasion.* The price limitations set forth in Maximum Price Regulation No. 311 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to canned shrimp, alone or in conjunction with any other commodity, or by any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or style of processing or the canning, wrapping, or packaging of shrimp.

§ 1364.756 *Records and reports.* (a) Every person making a purchase or sale of canned shrimp in the course of trade or business, or otherwise dealing therein, after February 1, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the prices contracted for or received, the quantity and a description of the grade or brand, style of pack, and container size of shrimp.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1364.757 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 311 are subject to the criminal penalties, civil enforcement actions, and suits for treble damage provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 311 or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.758 *Petitions for amendment.* Any person seeking an amendment to any provision of this Regulation No. 311 may

¹ 7 F.R. 5059, 7242, 8829, 9000, 10530.

file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1^a issued by the Office of Price Administration.

§ 1364.759 *Applicability.* The provisions of this Maximum Price Regulation No. 311 shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1364.760 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 311 supersede the provisions of the General Maximum Price Regulation, and Amendment 28^a to Supplementary Regulation No. 14, issued by the Office of Price Administration with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.761 *Definitions.* (a) When used in this maximum price regulation the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing: *Provided*, That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Canner" means a person who preserves shrimp by processing and packing in a hermetically sealed container.

(3) "Shrimp" means any canned shrimp of the genus *peneus setiferus* or *peneus brasiliensis* where the same are caught off the coast of the United States in the regions of the southeastern Atlantic Ocean and the Gulf of Mexico.

(4) "Price per dozen" means the price for 12 cans of shrimp packed for shipment in the usual container.

(5) "Dry pack" means shrimp packed in a hermetically sealed container without liquid.

(6) "Wet pack" means shrimp packed in brine in a hermetically sealed container.

(7) "Veined shrimp" means shrimp which have had the dark veins removed from the backs prior to packing.

(8) "Can" means a can 211 x 400 packed to a net content of 7 ozs. for wet pack and 6½ ozs. for dry pack.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1364.762 *Effective date.* This Maximum Price Regulation No. 311 (§§ 1364.751 to 1364.763, inclusive) shall become effective February 2, 1943.

§ 1364.763 *Appendix A: Maximum canners' prices for shrimp.* (a) The

^a 7 F.R. 8961.

^b 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155; 8 F.R. 371.

^c 7 F.R. 7604.

prices set forth below are maximum prices per dozen f. o. b. the shipping point nearest cannery. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts, and differentials to purchasers of different classes. Prices for veined shrimp are the prices below to which may be added 60¢ per dozen.

Grade	Wet pack per dozen	Dry pack per dozen
Broken, regular	\$2.45	\$2.55
Small, regular	2.70	2.80
Medium, regular	2.80	2.90
Large, regular	2.95	3.05
Jumbo, regular	3.05	3.15

(b) For varieties and container sizes of shrimp and styles of pack not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by sworn statements showing costs and usual differentials.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1431; Filed, January 27, 1943;
12:30 p. m.]

PART 1393—ICE

[MPR 154, as Amended,¹ Amendment 3]

ICE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (e), (f) and (g) are added to § 1393.8; paragraph (e) is added to § 1393.11; and paragraph (e) is added to § 1393.12, Appendix A.

§ 1393.8 *Applications for adjustment.*

(e) Any regional office of the Office of Price Administration or such other offices as may be authorized by order issued by the appropriate regional office may, either on application or its own motion, adjust, by order, the maximum prices of ice established under this Maximum Price Regulation No. 154, as amended, for any seller or group of sellers of the commodity whenever it appears:

(1) That a shortage in the supply of ice available to the seller's locality exists or threatens to occur;

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of ice for such seller and of like sellers; and

(3) That such adjustment will not create or tend to create a shortage, or a need for an increase in prices in another locality, and will effectuate the purposes

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 5139, 5276, 5944, 8940, 8948.

of the Emergency Price Control Act of 1942, as amended.

(f) Such adjustment shall be made in relation (1) to increased production and delivery costs which the seller of ice in the locality affected must incur in order to produce and deliver such ice as compared with production and delivery costs in April, 1942, or, for natural ice, as compared with the nearest earlier month in which such ice was harvested and packed in such locality; and (2) to such other circumstances as may be pertinent to the procurement of sufficient supplies of ice to meet the requirements of the locality affected.

(g) In making application for adjustment, any manufacturer of ice who sells ice at retail and also sells ice to distributors and peddlers for resale at retail may make application for adjustment on behalf of those distributors and peddlers who customarily purchased ice from him. If an adjustment of the manufacturer's maximum price is granted upon such application, a like adjustment of the maximum prices of the distributors and peddlers included in the application may be granted. In any such case the manufacturer's prices to such distributors and peddlers may be, but are not required to be, increased by an amount not in excess of the adjustment granted with respect to retail prices.

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.^a

§ 1393.11 *Effective dates of amendments.* * * *

(e) Amendment No. 3 (§§ 1393.8 (e), (f), (g); 1393.11 (e); 1393.12, Appendix A, (e)) to Maximum Price Regulation No. 154, as amended, shall become effective February 2, 1943.

§ 1393.12 *Appendix A: Maximum prices for ice* * * *

(e) *Maximum prices for natural ice—*

(1) *Generally.* The seller's maximum price for natural ice shall be the maximum price determined by the seller under paragraphs (a) or (b) of this section as the case may be.

(2) *Harvester's maximum prices determined by reference to highest price charged during the harvest period.* If the harvester's maximum price for natural ice cannot be determined under paragraphs (a) or (b) of this section, the harvester's maximum delivered price and the harvester's maximum platform price for any form, quantity and quality of such ice shall be the highest price charged by the harvester for such form, quantity and quality of natural ice during the month or months of harvest of such seller in the period from December 1, 1941 through March 31, 1942 on a delivered sale or platform sale respectively to a purchaser of the same class.

(3) *Transportation and special service charges.* (i) No harvester of natural ice who determines his maximum price under subparagraph (2) shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery or supply of natural ice than the

^a 7 F.R. 8961.

harvester required purchasers of the same class to pay during the month or months of harvest of such seller in the period from December 1, 1941 through March 31, 1942; and

(ii) The charges made for any special service rendered by such harvester shall not exceed the charge made during the month or months of harvest of such seller in the period from December 1, 1941 through March 31, 1942 for such special service to purchasers of the same class.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1433; Filed, January 27, 1943;
12:30 p. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[Rev. MPR 125¹]

NONFERROUS FOUNDRY PRODUCTS

The title, preamble, and §§ 1395.1 to 1395.11, inclusive, as heretofore amended, are renumbered and amended to read as set forth below. "Revised Maximum Price Regulation 125—Nonferrous Castings."

In the judgment of the Price Administrator the prices of nonferrous castings have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended. The Price Administrator has ascertained and given due consideration to the prices of nonferrous castings prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this Revised Maximum Price Regulation No. 125 (referred to herein as "this regulation") are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1² issued by the Office of Price Administration, this regulation is hereby issued.

Sec.

1395.1 Exclusions.

1395.2 Prohibition against sales of nonferrous castings at prices higher than maximum prices.

Sec.

1395.3 Maximum prices and report requirements for nonferrous castings sold or delivered on or after February 1, 1943—Castings the same, or of the same class as those sold or contracted to be sold by the seller during the period from October 1 to October 15, 1941, inclusive, or sold, contracted to be sold or delivered by the seller during the period from May 11, 1942 to January 31, 1943, inclusive.

1395.4 Maximum prices and report requirements for nonferrous castings sold or delivered on or after February 1, 1943—Castings of a class different from any casting sold or contracted to be sold during the period from October 1 to October 15, 1941, inclusive, and different from any casting sold, contracted to be sold or delivered during the period from May 11, 1942 to January 31, 1943, inclusive.

1395.5 Developmental contract and sub-contract.

1395.6 Transfer of business or stock in trade.

1395.7 Less than maximum prices.

1395.8 Export sales.

1395.9 Federal and State taxes.

1395.10 Adjustable pricing.

1395.11 Prohibited evasion practices.

1395.12 Applications for adjustment or petitions for amendment.

1395.13 Records and reports.

1395.14 Enforcement.

1395.15 Definitions.

1395.16 Geographical applicability.

1395.17 Effective date.

1395.18 Appendix A: Maximum prices for nonferrous castings sold during the period May 11, 1942 to January 31, 1943, inclusive.

1395.19 Appendix B: Form OPA 677:115a—Report on net sales for foundries with sales of less than \$12,500 in preceding quarter year.

1395.20 Appendix C: Form OPA 677:115b—Application for adjustment of maximum prices of an individual casting or a group of castings sold at the same price.

1395.21 Appendix D: Form OPA 677:115c—Buyer's report on above application.

1395.22 Appendix E: Form OPA 677:115d—Application for adjustment of maximum prices of all castings.

1395.23 Appendix F: Form OPA 677:115e—Buyer's report on above application.

AUTHORITY: §§ 1395.1 to 1395.23, inclusive, issued under Pub. Laws 421 and 729, 77th Cong. and E.O. 9250, 7 F.R. 7871.

§ 1395.1 Exclusions. (a) This regulation shall not apply to sales or deliveries of nonferrous castings if, before February 1, 1943, such castings have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the buyer.

(b) Nothing in this regulation or in the General Maximum Price Regulation³ shall apply to any sale, contract to sell, or delivery of nonferrous castings by any person whose total sales of nonferrous castings were less than \$12,500 for the preceding three months period ending on the last day of December, March, June or September, as the case may be, (here called "calendar quarter year")

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

except that a report shall be filed with the Office of Price Administration at Washington, D. C., by the seller on Form OPA-677:115a (set forth as § 1395.19 of this regulation) on the twentieth day of January, April, July and October of each year, stating (1) total dollar net sales, with the best available estimate of net sales of nonferrous castings covered by this regulation, in dollars and pounds, for the preceding calendar quarter year and (2) number of employees in the foundry for the last week of the preceding calendar quarter year.

(c) This regulation shall not apply to sales, contracts to sell or deliveries of:

(1) Products listed in Appendix A, § 1499.166 of Maximum Price Regulation No. 188, as amended,⁴ or

(2) Products covered by Maximum Price Regulation No. 261⁵ as defined in subparagraph (2), § 1346.215 of that regulation, or

(3) Type used for printing, or

(4) Nonferrous castings machined to such extent that the cost of machining (all price elements other than profit) is more than 25% of the total cost (all price elements other than profit) of the rough casting plus the cost of machining, when (i) the castings are subject to a price regulation other than the General Maximum Price Regulation, and/or (ii) the castings are sold by a person who does not produce the rough casting and who, further, is not a subsidiary or affiliate of the producer of the rough casting, or

(5) Nonferrous castings machined to such extent that cost of machining is more than 50% of the total cost, as provided in the preceding subparagraph (4) where the casting is a component part or subassembly of (i) aircraft, ammunition, armored trains, artillery, balloon barrage equipment, bombs, bomb sights, caissons, fire control equipment, gas masks, grenades, gun sights, military bridges, mines, mortars, projectiles, pyrotechnics, small arms, ships and boats and torpedoes; and (ii) amphibians, armored vehicles, automobiles, tanks, trailers and trucks, for military purposes, sold, contracted to be sold or delivered to the United States or any agency thereof, or to the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such government. The term "component parts and subassemblies" includes all metallic and nonmetallic component parts, adjuncts, and accessories which have been machined or fabricated. The term does not include raw or unfinished materials or any other materials which are in such form as to permit their use in the manufacture of products other than those set forth in this subparagraph, or

(6) Bushings and bearings machined to such extent that the cost of machining is more than 25% of the total cost, as provided in the preceding subparagraph (4), irrespective of whether such bushings and bearings are subject to a

⁴ 7 F.R. 5872, 8943, 8948, 10155, 8 F.R. 537.

⁵ 7 F.R. 9187.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3202, 3990, 7249, 8878, 8948, 10780.

² 7 F.R. 8961.

price regulation other than the General Maximum Price Regulation. Where percentage of machining cost is referred to in this or the preceding subparagraphs (4) and (5) and a toll or conversion agreement is involved in which the seller does not buy or sell the material used for the casting, the metal cost shall nevertheless be included at current maximum prices in figuring whether the 25% or 50% has been exceeded, or

(7) Finished replacement parts sold as finished replacement parts by a person who does not produce the parts, or who further, is not a subsidiary or affiliate of the producer of the parts.

§ 1395.2 *Prohibition against sales of nonferrous castings at prices higher than maximum prices.* On and after February 1, 1943, regardless of any contract, agreement or other obligation:

(a) No person shall sell or deliver any nonferrous casting at a price higher than the maximum price established by this regulation. (See § 1395.15 (a) for what is meant by a "person" and a "nonferrous casting" under this regulation.)

(b) No person in the course of trade or business shall buy or receive any nonferrous casting at a price higher than the maximum price. However, if the buyer obtains from the seller a written statement sworn to by the seller or a responsible official of the seller, that to the best of the seller's knowledge, information and belief, the price charged is not higher than the maximum price established by this regulation, and if in such case the buyer has no knowledge of the maximum price and no reason to doubt the accuracy of the statement, the buyer will be considered to have complied with this paragraph. Further, the buyer will be considered to have obtained this statement if:

(1) He obtains a letter or other written statement to the buyer sworn to by the seller or a responsible official of the seller, to the effect that the prices on all invoices to be issued will not be higher than the applicable maximum prices established by this regulation and that the seller's method of figuring prices has been so established as to achieve this result, and

(2) The seller stamps an appropriate statement on each invoice or bill.

(c) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in paragraphs (a) or (b) of this section.

(d) Where the contract of sale has been entered into before February 1, 1943, the parties to the contract, until March 1, 1943, may make and accept deliveries of the castings required or specified in the contract and the seller may render bills or invoices for the castings to the buyer at the contract price, but the price shall be adjusted in accordance with the maximum prices established by this regulation within a period not to exceed 30 days after the billing or invoicing.

§ 1395.3 *Maximum prices and report requirements for nonferrous castings sold or delivered on or after February 1, 1943—Castings the same, or of the same*

class, as those sold or contracted to be sold by the seller during the period from October 1 to October 15, 1941, inclusive, or sold, contracted to be sold or delivered by the seller during the period from May 11, 1942 (the effective date of Maximum Price Regulation No. 125) to January 31, 1943, inclusive. (See § 1395.15 (a) (4) for what is meant by "the same class" of castings). The maximum price shall be figured as follows:

(a) First, take as the base the most recent net price at which the seller sold or contracted to sell the castings or class of castings (if the most recent price was established during October 1 to October 15, 1941, inclusive) or sold, contracted to sell or delivered the castings or class of castings (if the most recent price was established during May 11, 1942 to January 31, 1943, inclusive). "Net price" here means the price after the seller's usual adjustment for rate of delivery, extra charges, cash discounts or other allowances.

(1) If the sale or delivery is to the same buyer who bought or contracted to buy the casting or a casting of the same class between October 1 to October 15, 1941, inclusive, or who bought, contracted to buy or obtained delivery of the casting or a casting of the same class between May 11, 1942, and January 31, 1943, inclusive, then the base price must be the most recent net price to that specific buyer, rather than the most recent net price to any other buyer of the same casting or casting of the same class.

(2) This base price must be a price which fully meets the requirements of Maximum Price Regulation No. 125 as in effect at the time of the sale, contract to sell or delivery, as the case may be. For convenience in checking the requirements, there is included in this regulation, as § 1395.18, a statement of the maximum prices in effect before February 1, 1943. If the most recent price was not figured as required at the time by Maximum Price Regulation No. 125, the price shall be corrected to arrive at the proper base price.

(b) Second, reduce the base price by the amounts stated below:

	Reductions per pound (cents)
(1) If the casting is made from copper or copper base alloys.....	1½
(2) If the casting is made from aluminum or aluminum base alloys.....	3
(3) If the casting is made from magnesium or magnesium base alloys.....	3

However, if the base price already reflects reductions made because of reductions in the maximum prices of metals or alloys since September 30, 1941, and full showing is first made to the Office of Price Administration at Washington, D. C., of that fact, the above specified reductions need only be made to the extent that the previous reductions are less than the amounts set forth above. The showing may be made by letter, or the Office of Price Administration may provide a form for the purpose. Unless and until the above showing is disapproved, the reductions need not be made. However, in the event of dis-

approval and within ten days after the disapproval, refund must be made of the amount of the reductions. In the case of a "toll", "conversion", or "service" agreement, in which the metal or part of the metal for the casting is required to be sold or otherwise furnished to the seller by the buyer or any person on the buyer's behalf, the reductions under subparagraphs (1), (2) and (3) above need only be made to the extent of metal furnished by the seller.

(c) Third, if, after January 31, 1943, a change in alloy between types within one of the groups of alloys listed below is imposed either by the buyer or by order of a government agency then the difference in price of metal as of the date of re-pricing, plus thirty percent of the amount of such difference, shall be deducted from or added (as the case may be) to the base price of the casting to arrive at the maximum price per pound in accordance with paragraphs (a) and (b) above.

Copper base alloys. (Numbers refer to numbers used in Maximum Price Regulation No. 202, § 1309.165.)

Group No. 1—85-5-5-5 or 88-10-2 Groups, (OPA Nos. 100-256 inclusive and similar alloys).

Group No. 2—80-10-10 Group, (OPA nos. 295-326 inclusive and similar alloys).

Group No. 3—Yellow Brass Group, (OPA Nos. 400-409 inclusive and similar alloys).

Group No. 4—Nickel Alloys Group, (OPA Nos. 410-414 inclusive and similar alloys).

Group No. 5—Aluminum Bronze Group, (OPA No. 415 and similar alloys).

Group No. 6—Manganese Bronze Group, (OPA Nos. 420-424 inclusive and similar alloys).

Group No. 7—Silicon Bronze Group, (OPA No. 500 and similar alloys).

Aluminum base alloys. (Numbers are those used in customary trade practice.)

Group No. 1—8% Copper Group, (Nos. 12, 112 and similar alloys).

Group No. 2—4% Copper Group, (No. 195, and similar alloys).

Group No. 3—Copper Silicon Group, (No. 108, and similar alloys).

Group No. 4—Copper Silicon Magnesium Group, (Nos. 355, 356, and similar alloys).

Group No. 5—Copper Nickel Magnesium Group, (No. 132, 142, (Y alloys) and similar alloys).

Group No. 6—5-13% Silicon Group, (No. 43, 47 and similar alloys).

Group No. 7—4-12% Magnesium Group, (No. 214, 218, 220, and similar alloys).

§ 1395.4 *Maximum prices and report requirements for nonferrous castings sold or delivered on or after February 1, 1943—Castings of a class different from any casting sold or contracted to be sold by the seller during the period from October 1 to October 15, 1941, inclusive, and different from any casting sold, contracted to be sold or delivered by the seller during the period from May 11, 1942 to January 31, 1943, inclusive—(a) How maximum price is figured on the first sale, contract to sell or delivery of each such casting on or after February 1, 1943.* The maximum price for such castings shall be a net price (after the seller's usual adjustment for rate of delivery, extra charges, cash discounts or other allowances) not higher than that figured by using the pricing formulas or

methods of figuring the price that were used on October 15, 1941, by the seller, or if the formulas were not used on that date, then the formulas used on the most recent date before October 15, 1941, on which the formulas were used. If the seller was not in business on or before October 15, 1941, and is not a transferee under § 1395.6 of this regulation, or if for any other reason the seller had no formula, or is unable to reduce it to writing or formulate it as required in this regulation, then the seller shall prepare a formula and proceed with filing and obtaining approval as generally required under paragraph (c) of this section. The pricing formula shall be applied, in figuring the maximum price of each casting, as follows:

(1) *Direct labor cost.* To the extent that the seller's pricing formulas include or are based on direct labor costs, the seller shall use labor costs figured and applied as follows:

(i) The seller shall use no more than the identical straight time and overtime labor rates used in his pricing formula on October 15, 1941, for each class of labor. Examples of classes of labor are molders, coremakers, or cleaners.

(ii) If the seller employs labor of a particular class not employed in the foundry on October 15, 1941, the seller shall apply no more than the straight time and overtime rates prevailing on that date for that class of labor in the locality in which the casting is produced.

(iii) If, on October 15, 1941, machine hour, piece or average rates were used, no more than the identical machine hour, piece or average rates must be used; for example, if the rate was \$1.00 per hour on a standard squeezer machine, then that rate must be used now.

(iv) In deciding whether items of labor cost are direct or indirect, the seller shall employ the same classes and considerations that he used on October 15, 1941. For example, if the seller treated cleaning labor as indirect labor on October 15, 1941, he must treat it as indirect labor for this figuring of the price.

(v) The labor rates as limited by the preceding subdivisions (i) to (iv) shall be applied to the number of hours estimated to be required on the basis of previous production experience.

(2) *Cost of metals.* To the extent that the pricing formulas include, or are based on prices paid for metals the seller shall apply no more than the current metal prices (not in excess of the current maximum prices established by the Office of Price Administration) for the metal used in the casting being priced to the quantities of metals estimated to be required on the basis of previous production experience.

(3) *Overhead (burden) rates.* To the extent that the pricing formulas include overhead or burden, the seller shall use no overhead or burden higher than that used in his pricing formulas on October 15, 1941, applied in the identical manner that he used on that date. For example, if the seller used 2¢ per pound for overhead on October 15, 1941, he shall use no more than 2¢ per pound today; or if the seller added 50% to direct labor

for burden on October 15, 1941, he shall add no more than 50% to direct labor for burden today.

(4) *Other factors.* To the extent that the pricing formulas include or are based on other elements or costs, the seller shall use the same elements or costs in effect on October 15, 1941, applied in the same manner as applied on that date, except that the seller may use additional or different elements or costs or applications thereof so long as a higher price does not result.

(5) *Mark-up, margin or profit.* The seller shall use no more than the mark-up, margin, or profit which he used on October 15, 1941, applied in the identical manner which he used on that date. For example, if the seller added to total costs 2¢ per pound for profit on October 15, 1941, he shall add no more than 2¢ per pound today; if the seller added 6% to total costs on October 15, 1941, for profit, he shall add no more than 6% to total costs for profit today.

(b) *Subsequent sales, contracts to sell, or deliveries of such castings or castings of the same class.* The price at which the first sale, contract to sell or delivery is made shall be the seller's maximum price for all subsequent sales, contracts to sell or deliveries of the same casting or casting of the same class, except that:

(1) If the price was in excess of the maximum price permitted under this regulation, the price shall be reduced to arrive at the proper maximum price.

(2) The seller may re-figure the maximum price for clerical errors but only upon first making proper showing by letter or other writing, of the details of such errors to the Office of Price Administration at Washington, D. C., and obtaining approval of the corrections from that Office; and

(3) Adjustment shall be made for changes in alloy as set forth in § 1395.3 (c) of this regulation.

(c) *Filing and approval of pricing formulas and prices.* (1) Each person selling nonferrous castings on or after February 1, 1943, shall, (to the extent he has not already done so) file, on or before March 1, 1943, with the Office of Price Administration at Washington, D. C., his pricing formulas or methods of calculating price. These formulas or methods shall be in such detail as is satisfactory to the Office of Price Administration. The formulas must conform exactly to the seller's practice on October 15, 1941, or on the most recent date before October 15, 1941, on which the formulas were used. If the seller was not in business on or before October 15, 1941, and is not a transferee under § 1395.6 of this regulation, or if for any other reason the seller had no formula or is unable to reduce the formula to writing or formulate it as required by this regulation, then the formula to be filed shall be the formula that, in the opinion of the Office of Price Administration, would have been used on October 15, 1941, had the seller conducted business on that date. The formulas must, further, be in such detail that if the Office of Price Administration is furnished the factors peculiar to the individual casting (such as

the time required for the different kinds of labor, the alloy, the quantity ordered, etc.), the Office can arrive at the same maximum price as the seller.

(2) The factors to be included in the formulas may include those listed below and such other factors as were employed. The factors may be included singly, or several factors may be combined if that was the seller's practice; for example, it may have been the seller's practice in some cases to figure all factors except metal cost at a flat amount per pound or per day. As further examples, the seller may have figured all burden and overhead at a flat amount per pound or as a single percentage of all direct labor combined, or as a single percentage of the direct molding labor. If different combinations are used in figuring prices of different alloys or of different types of castings, all the combinations should be listed with an explanation of how and when they are applied. It is essential that every factor or every combination of factors which was used by the seller in establishing the price for any casting, be stated exactly:

(i) *Metal costs—(a) Price of the metal.* The formula should specify whether purchase price, delivered price, or delivered price plus handling charges was used.

(b) *Metal loss.* This can be stated as an allowance in cents per pound or percentage for each alloy separately, or as an average, if an average was used.

(c) *Melting cost.* The particular allowance shall be given for each alloy, or the average if an average allowance was used.

(d) *Yield.* If this factor was used, an explanation should be given of how it was employed.

(ii) *Direct labor.* State for each class, such as molders, coremakers, cleaners, inspectors, machine operators, etc.

(a) *Wage rates.* Give standard and overtime separately; state the average rate, if an average was used, or all individual rates within each class, with the type of casting or production to which each rate applied.

(b) *Burden.* State in percentage of labor costs or cents per pound or per machine hour; if an average rate was used, it should be so stated; if individual rates were used, the type of casting or production to which applied should be stated.

(iii) *Defectives.* State the individual allowances, with method of application and group to which it applied; if average allowance was used, that average should be stated.

(iv) *Shop overhead.* Furnish this item, if used separately from burden (ii) (b) or to cover burden or burden and direct labor or total foundry cost up to this point; state flat amount in cents per pound, dollar per hour, or dollar per day or percentage, and where applied.

(v) *Administrative and selling overhead if used separately from burden (ii) (b) and shop overhead (iv).* State percentage or flat amount and where applied.

(vi) *Other costs.* For example, amount charged for heat treating, X-rays, delivery, etc. These should be specified and a statement included as to how and where applied.

(vii) *Adjustments for rate of delivery,* extra charges, cash discounts or other allowances.

(viii) *Rate of profit.* State the flat amount or percentage and how applied.

(3) If a seller commenced sales of nonferrous castings on or after February 1, 1943, he shall file a report similar to the report required by the preceding subparagraph (1) of this paragraph (c) within 30 days after his first quotation of prices.

(4) When a formula is filed and rates are reported by a seller who was not in business on or before October 15, 1941, and who is not a transferee under § 1395.6 below, or by any other person who had no formula on or before October 15, 1941, or who is unable to reduce his formula to writing in a manner that clearly describes the method of pricing to the satisfaction of the Office of Price Administration, prices calculated in accordance with the formula and rates may be quoted or charged unless and until the Office of Price Administration disapproves the formula or rates or requires a new filing of formula or rates.

(5) The Office of Price Administration may disapprove, in writing, the formula filed or the rates reported in the cases mentioned in subparagraph (4) above, and the prices resulting from their use. Upon such disapproval the seller shall file a revised formula or rates in accordance with directions which the Office of Price Administration shall state at the time of the disapproval. In disapproving any proposed formula or rates, the Office of Price Administration may require refunds on all deliveries made at prices calculated by the use of the formula or rates. The disapproval of the formula or rates, or the requirement of refunds shall, upon request of the seller, be embodied in an order.

§ 1395.5 *Developmental contract and subcontract.* (a) No developmental contract or subcontract shall be exempt from any provisions of this regulation except upon full compliance with the provisions of, and to the extent provided in, this paragraph. For the purposes of this paragraph a contract or subcontract is considered to be "developmental" only during the period required for the selection of a suitable casting by the buyer or for the accumulation of sufficient production experience by the seller to permit a fair estimate of the manufacturing costs, or both.

(b) The contract or subcontract must be certified in writing to the Office of Price Administration at Washington, D. C., by the United States or an agency thereof or by the buyer and seller, as being developmental, and a report must be filed as required in paragraph (d) of this section. This regulation shall not apply to any nonferrous casting produced pursuant to such contract or subcontract.

(c) After the Office of Price Administration has determined, upon consultation or communication with the appropriate government agency or with the buyer or seller, that the period necessary for development has expired, and has in writing so notified such agency or the buyer and seller, as the case may be, this regulation shall apply to all subsequent sales and deliveries of the nonferrous castings.

(d) Within ten days after entering into any developmental contract or subcontract, the seller shall file a report, verified by the buyer, with the Office of Price Administration at Washington, D. C., containing a description of the nonferrous casting to be manufactured, a summary of the terms of the contract or subcontract, including all pricing provisions, a short statement of the production plans of which the contract is a part and an estimate of the expected duration of such developmental work. For any such contract or subcontract in effect on February 1, 1943, the report shall be filed before February 20, 1943. This paragraph is subject to the exception, however, that in the case of a contract or subcontract classified as "secret" and certified as a "secret" contract to the Office of Price Administration by the United States or any agency thereof, or by the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or any agency of any such government, there need be reported only that portion of the required information, if any, that is not classified "secret".

(e) No contract based on cost plus a percentage of cost, or cost plus a fixed fee, which results in a price higher than the applicable maximum price, is permitted under this regulation unless the contract qualifies as a developmental contract under the provisions of this § 1395.5. For example, the first sale or delivery of a casting under a cost-plus contract other than a developmental contract, where the maximum price for the casting is established by § 1395.4 (a), will fix the maximum price for all subsequent sales, contracts to sell or deliveries of the casting, even though the cost-plus contract provides for a series of transactions.

§ 1395.6 *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business dealing in nonferrous castings were or are sold or otherwise transferred after October 15, 1941, and the transferee carries on the business, or continues to deal in nonferrous castings in the same competitive area and in an establishment separate from any other establishment previously owned or operated by the transferee, the transferee shall be subject to the same maximum prices as those to which the transferor would have been subject if no such transfer had taken place, and the transferee's obligation to keep records sufficient to verify such prices shall

be the same as that of the transferor. The transferor in such cases shall either preserve and make available, or turn over to the transferee all records of transactions that are necessary to enable the transferee to comply with the provisions of this regulation.

§ 1395.7 *Less than maximum prices.* Lower prices than those provided in this regulation may be charged, demanded, paid or offered.

§ 1395.8 *Export sales.* The maximum price at which a person may export a nonferrous casting shall be figured in accordance with the provisions of the Revised Maximum Export Price Regulation¹ issued by the Office of Price Administration.

§ 1395.9 *Federal and state taxes.* Any tax upon or incident to the sale, delivery, processing or use of a nonferrous casting, imposed by any statute of the United States or any statute or ordinance of any state or subdivision thereof, shall be treated as follows in figuring the seller's maximum price for such casting, except that the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942, shall, for purposes of figuring the applicable maximum price, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire:

(a) *As to a tax in effect between October 1 to October 15, 1941, inclusive or between May 11, 1942 to January 31, 1943, inclusive.* (1) If the seller paid the tax, or if the tax was paid by any prior seller irrespective of whether the amount was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the period from October 1 to October 15, 1941, inclusive or between May 11, 1942, to January 31, 1943, inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his seller, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in figuring the maximum price under this regulation.

(2) In all other cases if, at the time the seller figures his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior seller and separately stated and collected from the seller by the seller from whom he purchased, and in such case the seller shall not include such amount in figuring the maximum price under this regulation.

(b) *As to a tax or increase in a tax which becomes effective on or after February 1, 1943.* If the statute or ordinance imposing the tax or increase does

¹ 7 F.R. 5059, 7242, 8829, 9000, 10530.

not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior seller and separately stated and collected from the seller by the seller from whom he purchased.

§ 1395.10 *Adjustable pricing.* It is permitted under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery.

§ 1395.11 *Prohibited evasion practices—(a) General.* Any practice which is a device to obtain the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Obtaining the effect of a higher price by changing credit practices or cash discounts from what they were during the base period or on the base date. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit.

(2) Obtaining the effect of a higher price by refusing to sell on a delivered basis and insisting on selling on an f. o. b. shipping point basis, or vice versa.

(3) Quoting a gross price above the maximum price even if accompanied by a discount the effect of which is to bring the net price below the maximum price.

(4) Obtaining the effect of a higher price by making minor changes in castings having established prices; by requiring a buyer to furnish material for processing not in accordance with previous practice; by entering into a joint venture with any other person subject to this Regulation, for cross-selling or cross-purchasing; by reducing the period of any guaranty or warranty; by undervaluing commodities received in connection with the sale; by distorting estimates of time, material, defectives or other factors in figuring a price; or by making any other change in terms or conditions of sale or contract.

§ 1395.12 *Applications for adjustment and petitions for amendment—(a) Applications for adjustment—(1) When available.* The Office of Price Administration may by order adjust any maximum price established by this regulation, whenever it finds, from an application for adjustment or on its own motion, that the price impedes or threatens to impede production of one or more nonferrous castings:

(i) The production of which, in the opinion of the Office of Price Administration, aids directly in the war program or is necessary to a standard of living consistent with the prosecution of the war, both because of (a) the type of casting produced, and (b) the necessity of continued production of the casting by the particular seller, or

(ii) The maximum prices of which, after adjustment, are as low as, or lower than, the prices which buyers would be required to pay to the seller's competitors if the seller ceased to produce the castings. Note, however, that not only the conditions of either this subdivision (ii) or the preceding subdivision (i) must be met; those of the following subparagraphs commencing with subparagraph (2) must also be met.

(2) *Principal consideration.* In deciding whether production is impeded or threatens to be impeded, principal consideration will be given to the overall profit or loss of the seller before income and excess profits taxes. Wherever possible, this consideration will be based on the seller's future annual earnings (here called "projected profit") as estimated by the Office of Price Administration on the basis of the actual current earnings. The projected profit will be compared with the seller's average profit or loss for his fiscal years beginning between January 1, 1936 and December 31, 1939, adjusted for changes in invested capital. This average will be used as the base profit, except in those instances where the seller was not in business during a part or all of the base period, or where the average is lower than the earnings which the Office of Price Administration considers adequate for foundries of comparable size, in either of which cases a base profit which the Office of Price Administration considers adequate will be used.

(3) *Other considerations.* The relation of projected profit to base profit will be the principal consideration in determining whether production is impeded or threatens to be impeded, but other factors may be taken into consideration where relevant.

(4) *Amounts of adjustment.* Increases in price may be permitted in an amount considered sufficient by the Office of Price Administration to avoid the impeding of the production, or the threat to it.

(5) *Prices pending disposition of application.* Upon the filing of an application for adjustment or within five days prior thereto, and until final disposition of the application, contracts may be entered into or proposed and deliveries made at the prices requested in the application, except that the seller may not receive and the buyer may not pay the amount by which the price exceeds the maximum price until an order granting the requested adjustment has been issued. Any sale, contract to sell or offer to sell at the price requested in an application shall include the following:

(i) The maximum price established for the casting in question.

(ii) A statement that the quoted price is subject to approval by the Office of Price Administration.

(iii) A statement that an appropriate application has been filed or will be filed within five days with the Office of Price Administration.

(6) *Form of application.* An application for adjustment shall be made on the applicable Forms OPA 677:115b and 677:115c or OPA 677:115d and 677:115e, as the case may be, set forth as §§ 1395.20 to 1395.23, inclusive, of this regulation. Such forms may be obtained from any regional office of the Office of Price Administration or may be copied by the applicant from this regulation. Every application for adjustment shall contain a statement, signed by the seller, that the statements made in the application are known by the seller or a duly authorized officer or partner of the seller to be true and complete.

(7) *Place for filing application and number of copies.* An original and one copy of an application for adjustment must be filed with the Office of Price Administration, Washington, D. C.

(8) *Supplementary Order No. 9* and Procedural Regulation No. 6* not to apply.* Supplementary Order No. 9 issued by the Office of Price Administration dealing with applications for adjustment under Procedural Regulation No. 6, of maximum prices of sales pursuant to Government contracts or subcontracts shall not apply to applications for the adjustment of the maximum price of a nonferrous casting.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1395.13 *Records and reports.* (a) Every person making a sale of nonferrous castings or a purchase in the course of trade or business shall keep available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act, as amended, or any applicable part, amendment or supplement remains in effect:

(1) Complete and accurate records of each sale, showing (i) the date of the sale, (ii) the name and address of the other party to the sale, (iii) the net price received or paid after adjustment for all extra charges, discounts, or other allowances, (iv) the quantity and description of each type of nonferrous casting sold, and (v) in the case of the seller, a summary of the calculations made in figuring the price charged (the summary of calculations may, when necessary, cover groups of castings sold at the same price); and

(2) All available records concerning sales and production, including costs, for the period after October 1, 1940.

(b) Such persons shall keep such other records and submit such other re-

* 7 FR. 5444, 9323.

* 7 FR. 5087, 5664.

ports to the Office of Price Administration as the Office of Price Administration may from time to time require or permit, either in addition to or in substitution for records and reports required by this regulation.

§ 1395.14 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1395.15 *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Nonferrous castings" include all rough and machined castings poured from metal at less than seventy-five pounds of pressure per square inch in any type of mold, (as for example, molds of sand, plaster, cement, metal or any other substance) and made from aluminum, antimony, beryllium, bismuth, cadmium, cobalt, copper, lead, magnesium, nickel (other than heat resisting or corrosion resistant alloys to the extent subject to Maximum Price Regulation No. 214¹⁰) tin, zinc, and their alloys where any one or any combination of the above metals equals or exceeds fifty per centum (50%) by weight of the total metal content and where use can be made of the casting without remelting, absorption in a chemical or plating process, extruding, drawing, rolling or forging into another form. The term "nonferrous casting" is also used to include a group of castings sold at the same price.

(3) "Sell or deliver any nonferrous casting" shall include a transaction in which the material for the casting is required to be sold or otherwise furnished to the seller by the buyer or any person on the buyer's behalf. In such case, the "price" under this regulation is the differential above the agreed cost of, or charge for the material, the intent here being to include under this regulation the so-called "toll", "conversion" or "service" agreements.

(4) An individual casting is considered to be "of the same class" as another casting unless differences in design or specification, including quantity, imposed by the customer or by order of government agencies result in differences

in size, weight, intricacy of design, tolerances, inspection requirements or process of production, involving differences in total cost of manufacture per pound of 5% or more (figured on the basis provided in § 1395.4). A group of castings sold at a flat price is considered to be "of the same class" as another group of castings unless on the average for the group as a whole differences in individual castings or changes in the relative proportions of the individual castings result in differences in weight or size per casting, intricacy of design, tolerances, inspection requirements, or process of production involving differences in total cost of manufacture per pound of the group of castings of 5% or more (figured on the basis provided in § 1395.4). A difference in alloy between the major groups of alloys listed in § 1395.3 (c) shall be considered to be a difference in process, but a difference within any such major group of alloys shall not be so considered, even though involving differences in total cost per pound of 5% or more (figured on the basis provided in § 1395.4).

(5) "This regulation" means this Revised Maximum Price Regulation No. 125.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1395.16 *Geographical applicability.* The provisions of this regulation shall apply to the forty-eight states of the United States and to the District of Columbia.

§ 1395.17 *Effective date.* This regulation (§§ 1395.1 to 1395.23, inclusive) shall become effective February 1, 1943.

§ 1395.18 *Appendix A: Former maximum prices for non-ferrous castings sold during the period May 11, 1942 to February 1, 1943, inclusive—*(a) *Castings the same or substantially the same as those sold or contracted to be sold to a purchaser of the same class during the period from October 1 to October 15, 1941, inclusive.* The applicable maximum price for such castings was the highest net price (after adjustment for all applicable extra charges, quantity discounts, cash discounts or other allowances) at which the seller sold or contracted to sell such castings to a purchaser of the same class during the period from October 1 to October 15, 1941, inclusive.

(b) *Castings substantially different from those sold or contracted to be sold during the period from October 1 to October 15, 1941, inclusive, or castings the same or substantially the same as those sold or contracted to be sold during said period, but sold to a purchaser not of the same class.* The applicable maximum price for such castings was a net price (after adjustment for all applicable extra charges, quantity discounts, cash discounts or other allowances) not in excess of that at which the seller would have sold such castings to a purchaser of the same class on October 15, 1941,

under the pricing formula or method of calculating price that would have been used by the seller on October 15, 1941, employing the same cost factors (wage rates, prices of materials and overhead) and profit margins which the seller or the seller's transferor would have used on October 15, 1941, even though the seller's cost or profit margins might have increased since that date.

(c) Permission to certain sellers heretofore designated to sell certain castings at prices specified in paragraphs (a) to (k), inclusive of § 1395.2 of Maximum Price Regulation No. 125 (prior to this revision) and entitled "Exceptions" terminate on January 31, 1943. On and after February 1, 1943, such prices may, however, be used as the base price in figuring prices under § 1395.3 (a) of Revised Maximum Price Regulation No. 125.

§ 1395.19 *Appendix B:*

Budget Bureau Approval No. 08-R299-43
OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

NON-FERROUS CASTINGS

Form OPA 677:115a

(Specified by Revised Maximum Price Regulation No. 125, § 1395.1 (b))

REPORT ON NET SALES FOR ALL NON-FERROUS
FOUNDRIES SELLING LESS THAN \$12,500 OF
NON-FERROUS CASTINGS IN THE PRECEDING
QUARTER

FILE IN THE WASHINGTON OFFICE OF OPA BY
THE 20TH OF JANUARY, APRIL, JULY AND
OCTOBER

Report for quarter ended 194...
Name of company:
Address:
City and State:
Net sales of all products: \$.....
Net sales of non-ferrous castings:
(dollars)

.....
(pounds)
Number of employees on pay roll for last
week of the quarter:
The statements of fact in this report are
known to the undersigned to be true and
complete and the estimates given are be-
lieved to be correct.
Date: (Signed)
(Title)

NOTE: Non-ferrous castings are defined in
Revised Maximum Price Regulation No. 125.
If the foundry sells other products besides
non-ferrous castings, your best estimate of
the volume of castings covered by this regu-
lation is acceptable for the purposes of this
form.

§ 1395.20 *Appendix C:*

Budget Bureau Approval No. 08-R290-43
OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

NON FERROUS CASTINGS

Form OPA 677:115b

(Specified by Revised Maximum Price Regu-
lation No. 125, § 1395.12 (a) (6))

APPLICATION FOR ADJUSTMENT OF MAXIMUM
PRICES OF AN INDIVIDUAL CASTING OR A GROUP
OF CASTINGS SOLD AT THE SAME PRICE

If adjustment is requested for all castings,
use Form OPA 677:115d

NOTE: The term "casting" refers to all cast-
ings of a particular design and specifications

or a group of dissimilar castings to be sold at the same price per pound.

Fill out two copies of pages one and four for each application and two copies of pages two and three for each casting for which adjustment in price is requested.

Have each customer who buys the castings for which adjustment is sought fill in one copy of form OPA 677:115c and return it directly to the Washington office of OPA.

Name of company.....
Address.....
City and State.....

Type of business organization; Check one:
Individual ☐ Partnership ☐ Corporation ☐

For the definition of non-ferrous castings, see Revised Maximum Price Regulation No. 125.

A. Description of casting for which adjustment is requested:

(a) If this Application covers a group of castings to be sold at the same price per pound, or per piece, attach additional pages giving the following information for each casting in the group.

- (1) Customer
- (2) Address
- (3) Pattern No.
- (4) Description of casting
- (5) End use (W. P. B. definition)
- (6) Priority rating
- (7) Type of pattern
- (8) For how long a time have you made this casting?
- (9) Quantity ordered
- (10) Cores per casting
- (11) Method of molding: () Bench;
() Floor; () Machine;
Other

(specify)

- (12) Type of mold
- (13) Wt. per casting
- (14) No. per mold
- (15) a. If copper base, nearest OPA Ingot Identification No.
b. If aluminum, customary trade designation No.
c. If magnesium, ASTM No.
(b) If the casting was first made prior to February 1, 1943, is the alloy now used the same as that used prior to February 1, 1943? Yes..... No..... If the answer is "no," what alloy was used previously? Ingot Identification No. (as above):

B. Sales of casting for which adjustment is requested:

(1) Actual net sales of this casting last fiscal year ended.....;

(date) (pounds)

(dollars)

(2) Actual net sales of this casting since end of last fiscal year—enter volume of sales at each different price which you charged.

Period covered		Price per pound	Net sales in pounds
From	To		
a.
b.
c.
d.

(3) Estimated net sales of this casting for remainder of current fiscal year:

(pounds).

Instructions for C—Reasons for requesting price adjustment.

Item

(1) a. Column 1:

Enter the purchase price used in arriving at your maximum price of one pound of metal. Insert in the note at the bottom of the table the date at which the metal price used actually prevailed in the market.

If the casting was sold or contracted to be sold October 1-15, 1941, or sold contracted to be sold or delivered May 11, 1942 to January 31, 1943, enter the price of the metal you then used in calculating the price of the casting.

If the casting was made prior to February 1, 1943, and remade on or after February 1, 1943, and the alloy of which the casting was made was changed to another alloy within the same group of alloys as defined in Revised Maximum Price Regulation No. 125, enter the price of the alloy originally used and fill in Question A (b).

If the alloy was changed to an alloy in another group, the casting may become a casting of a different class. See Revised Maximum Price Regulation No. 125.

If the casting was first made on or after February 1, 1943, enter the current price of the metal as in Column 2 (see below).

Column 2:

Enter current purchase price of one pound of metal. If a composition of various metals or of scrap, virgin and ingot, or any combination thereof is now used, compute the current cost of the actual combination at present prices.

All other items in column 1—costs as of October 15, 1941; column 2—current costs.

(1) b. If you made separate allowance for metal loss on October 15, 1941, include here; otherwise, omit this item and include in melting cost (Item (1) c).

(1) c. Include cost of direct labor, fuel, crucibles, etc., used directly in melting and pouring. If this cost was not segregated on October 15, 1941, include this cost in General Foundry Overhead (Item 6).

(2) a. State cost of direct or production

(3) a. labor; do not include indirect labor.

(4) a. If wage rates of men actually employed on the job were used in calculating prices on October 15, 1941, for

(7) a. Column 2 use current wage rates of men now actually employed on the job. If departmental or shop average wage rates were used on October

15, 1941, use department or shop average at current rates for Column 2.

Overtime pay may be included in the average in Column 1 only if it was the foundry's practice to include such

pay on October 15, 1941, but overtime pay may be included in figures in Column 2 in any case so that the average

may reflect current costs accurately. If Item (4) a was not segregated on

October 15, 1941, include this cost in General Foundry Overhead (Item 6).

(7) a. If you figure machining on a machine-hour basis, combine Items (7)

(7) b. a and b.

(2) b. Overhead should include indirect

(3) b. labor, incidental materials, and miscellaneous shop expenses. This form

(4) b. provides for the allocation of shop

(7) b. and overhead costs on the basis of (A)

(11) a percentage of direct labor cost for each department, (B) a percentage of total direct labor costs of the entire foundry, and (C) for companies with accounts for foundry and machine shop combined, for the entire shop. The method which reflects most nearly the established practice of the foundry on October 15, 1941, should be used. If, for example, it was the practice to allocate overhead in whole or in part on the basis of (A), any or all of the items (2) b, (3) b, (4) b, and (7) b should be stated. On the other hand, if it was the practice to allocate all or some of the overhead on the basis of (B) or (C), Items (6) and (11) should be used.

If you do not allocate overhead on a percentage basis but use a flat rate per hour or per day, cross out the percentages under "Items of Cost." Enter the rates per hour or per day, the poundage to which the rate applies and put the corresponding cost per pound in Columns 1 and 2.

(8) and (9) Include here any other shop costs which you considered separately on October 15, 1941, for example, pattern making, special rigging, special finishing, heat treating, x-raying, etc. Indicate what the items are.

(12) Enter here an allowance for imperfect castings, or indicate where else this item would be figured, as for instance, included in General Foundry Overhead (Item 6).

(14) This item should cover the administrative and selling overhead applicable to the production of non-ferrous castings covered by this Regulation. It should not include any allowance for profit or for income or excess profits taxes.

(15) Include cost of services purchased outside the company, such as pattern making, machining, etc., at their purchase cost plus whatever charges were added on October 15, 1941.

(16) If it was customary to sell at a delivered price on October 15, 1941, include an allowance for delivery charges here, if separately calculated.

(18) Profit at the rate provided on October 15, 1941—Do not include provision for Federal and State income and excess profits taxes.

(20) Column 1 only:

If the casting was first made prior to February 1, 1943, enter 1½ cents per pound for copper base alloys, 3 cents per pound for aluminum base alloys, and 3 cents per pound for magnesium base alloys, and subtract these amounts to arrive at the maximum price.

C. Reasons for requesting price adjustment:

In the following form fill in the factors entering into the pricing of the casting for which you are requesting price adjustment.

In Column 1 give the cost factors as they are figured under Revised Maximum Price Regulation No. 125, that is, on the basis

of costs on October 15, 1941, except for metal cost (see instructions); in Column 2 give

the cost factors as you now figure them. Append a detailed explanation of any differences between Columns 1 and 2. If you

are now certain that any of your costs will be different during the remainder of the

current fiscal year, state these facts and give an estimate of the effect on pricing. If

you have firm orders for this casting extending into the next fiscal year, state amount of

those orders which will be delivered in the next year.

Read instructions on opposite page before filling in the form.
Pricing Sheet for Casting for Which Adjustment is Requested.
(All figures in cents per pound)

Items of cost	Column 1	Column 2
	Pricing on basis required by Revised MPR 125	Estimated current costs
(1) Metal:		
a. Purchase price*		
b. Metal loss allowance		
c. Melting cost		
(2) Molding:		
a. Direct labor		
b. Overhead @ %		
(3) Coremaking:		
a. Direct labor		
b. Overhead @ %		
(4) Cleaning:		
a. Direct labor		
b. Overhead @ %		
(5) Total (1 through 4)		
(6) General Foundry Overhead @ %		
(7) Machining:		
a. Direct labor		
b. Overhead @ %		
(8) Total (5 through 7)		
(9) General Manufacturing Overhead		
(10) Allowance for Defective @ %		
(11) Total Shop Cost (10+11+12)		
(12) Administrative & Selling Overhead @ %		
(13) Outside Services		
(14) Delivery		
(15) Total Cost (13+14+15+16)		
(16) Profit		
(17) Total (17+18)		
(18) Metal Price Adjustment		XXXXXXXXXXXX
(19) Price Established by Rev. MPR 125		XXXXXXXXXXXX
(20) Price Requested		XXXXXXXXXXXX

*Date when price for metal quoted in Column 1 actually prevailed in market

D. Financial data for the company:

If Financial Report Forms A and B have been submitted to OPA by the company for 1941 and any of the quarters of 1942, no information which duplicates material contained in these financial reports need be submitted; but a statement should be attached that, "Financial Report Form A (or B) has been submitted to OPA for [give fiscal period covered]."

(1) If the company sells only non-ferrous castings—

Submit balance sheets and related statements of profit and loss and surplus for each year 1936 through the most recent fiscal year and quarterly reports from the end of the last fiscal year through the most recent accounting period. Income statements should show the following items separately:

- (a) net sales of non-ferrous castings in dollars and in pounds
- (b) costs of sales
- (i) wages
- (ii) direct metal costs
- (iii) other manufacturing costs
- (c) general selling and administrative expenses—State compensation of all officers and directors separately.
- (d) amounts charged for depreciation (other than amounts included in (b)), amortization, contingencies and other reserves.
- (e) net income before Federal and State income and excess profits taxes.
- (f) net income after Federal and State income and excess profits taxes.

(2) If the company sells other products besides non-ferrous castings—

Submit for the periods stated in (1) balance sheets for the company as a whole; and related statements of profit and loss and surplus as follows:

(a) If the accounts are segregated for the foundry alone, give the statements for the foundry, and

(b) if the accounts are not segregated, present the statements for the company as a

whole, showing thereon an allocation of the items listed in (1) for the foundry alone with the basis of allocation.

Give in addition the net book value of the plant devoted to foundry operations at each of the indicated periods.

The statements of fact in this report are known to the undersigned to be true and complete, and the estimates given are believed to be correct.

By _____ (Applicant)

(Title)

\$ 1395.21 Appendix D:

Budget Bureau Approval No. 08-R291-43

OFFICE OF PRICE ADMINISTRATION

Washington, D. C.

NON-FERROUS CASTINGS

Form OPA 677:115c

(Specified by Revised Maximum Price Regulation No. 125, § 1395.12 (a) (6))

FOR CUSTOMERS

FILL IN THE BLANKS IN PART (A) AND ASK EACH CUSTOMER AFFECTED TO ANSWER THE QUESTIONS IN PART (B) AND RETURN THE FORM DIRECTLY TO THE WASHINGTON OFFICE OF OPA

A. The _____ (name of foundry) is requesting a price increase from _____ cents per pound (or piece) to _____ cents per pound (or piece) on castings made from Pattern No. _____

B. (1) Name of customer _____

(2) Address of customer _____

(3) If foundry named in Part (A) stops supplying you, will you be able to secure needed supplies of castings from other foundries? Yes _____ No _____

(4) If the answer to (3) is "no," is the reason—

(a) because there are no other foundries in your vicinity ()

(b) foundries in your vicinity do not have capacity to absorb your orders at present ()

(c) no other foundry can develop the necessary skill to make the castings in a reasonable length of time ()

(d) other (explain). _____

(5) If the answer to (3) is "yes,"—

(a) Are the requested prices generally higher (), the same () or lower () than those at which you can get the castings from other foundries?

(b) If the requested prices are higher or lower than those of other foundries, is the difference, 0-5% (), 5-10% (), more than 10% ()?

(Signed) _____

\$ 1395.22 Appendix E:

Budget Bureau Approval No. 08-R292-43

OFFICE OF PRICE ADMINISTRATION

Washington, D. C.

NON-FERROUS CASTINGS

Form OPA 677:115d

(Specified by Revised Maximum Price Regulation No. 125, § 1395.12 (a) (6))

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES OF ALL CASTINGS

FILL OUT TWO COPIES OF EACH PAGE OF THIS FORM. FILL IN PART (A) ON SIX COPIES OF FORM OPA 677:115E AND ASK EACH OF YOUR SIX LARGEST CUSTOMERS TO FILL IN PART (B) OF ONE FORM AND RETURN IT DIRECTLY TO THIS OFFICE

Name of company _____

Address: _____

City and State: _____

Type of business organization; Check one:

Individual ()

Corporation ()

Partnership ()

A. Amount of price increase requested and customers affected:

(1) State amount of price increase requested: (fill in one) _____ cents per pound or _____ percent of present prices.

(2) Estimated net sales from end of most recent accounting period to end of fiscal year: \$ _____, at present prices. Most recent accounting period ended _____ Fiscal year ends _____

(3) Attach a list of the names and addresses of your six largest customers.

B. Reasons for requesting price adjustment:

Attach a statement of the reasons for requesting price adjustment. Explain what conditions have arisen with respect to the business which make present prices yield an income inadequate to keep the foundry in business.

C. Financial data for the company:

If Financial Report Forms A and B have been submitted to OPA by the company for 1941 and any of the quarters of 1942, no information which duplicates material contained in these financial reports need be submitted; but a statement should be attached that, "Financial Report Form A (or B) has been submitted to OPA for [give fiscal period covered]."

(1) If the company sells only non-ferrous castings—

Submit balance sheets and related statements of profit and loss and surplus for each year 1936 through the most recent fiscal year and quarterly reports from the end of the last fiscal year through the most recent accounting period. Income statements should show the following items separately:

(a) Net sales of non-ferrous castings in dollars and in pounds

- (b) Costs of sales
 (i) Wages
 (ii) Direct metal costs
 (iii) Other manufacturing costs
 (c) General selling and administrative expenses—State compensation of all officers and directors separately.
 (d) Amounts charged for depreciation (other than amounts included in (b)), amortization, contingencies and other reserves
 (e) Net income before Federal and State income and excess profits taxes
 (f) Net income after Federal and State income and excess profits taxes
 (2) If the company sells other products besides non-ferrous castings—
 Submit for the period stated in (1) balance sheets for the company as a whole; and related statements of profit and loss and surplus as follows:

(a) If the accounts are segregated for the foundry alone, give the statements for the foundry, and
 (b) if the accounts are not segregated, present the statements for the company as a whole, showing thereon an allocation of the items listed in (1) for the foundry alone, with the basis of allocation.

Give in addition the net book value of the plant devoted to foundry operations at each of the indicated periods.

The statements of fact in this report are known to the undersigned to be true and complete, and the estimates given are believed to be correct.

By _____
 (Applicant)

 (Title)

§ 1395.23 Appendix F:

Budget Bureau Approval No. 08-R293-43

OFFICE OF PRICE ADMINISTRATION
 Washington, D. C.

NON-FERROUS CASTINGS

Form OPA 677-115e

(Specified by Revised Maximum Price Regulation No. 125, § 1395.12 (a) (6))

FOR CUSTOMERS

FILL IN THE BLANKS IN PART (A) AND ASK YOUR SIX LARGEST CUSTOMERS TO ANSWER THE QUESTIONS IN PART (B) AND RETURN THE FORM DIRECTLY TO THE WASHINGTON OFFICE OF OPA

A. The _____ (name of foundry) is requesting a price increase of () percent or () cents per pound on all castings.

B. (1) Name of Customer: _____

(2) Address of Customer: _____

(3) If foundry named in Part (A) stops supplying you, will you be able to secure needed supplies of castings from other foundries? Yes _____ No _____

(4) If the answer to (3) is "no," is the reason—

(a) because there are no other foundries in your vicinity ()

(b) foundries in your vicinity do not have capacity to absorb your orders at present ()

(c) no other foundry can develop the necessary skill to make the castings in a reasonable length of time ()

(d) other (explain): _____

(5) If the answer to (3) is "yes,"—

(a) On the whole are the requested prices higher (), the same () or lower () than those at which you can get the castings from other foundries?

(b) If the requested prices are higher or lower than those of other foundries, is the

difference 0-5% (), 5-10% (), more than 10% ()?

(Signed) _____

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-1434; Filed, January 27, 1943;
 12:31 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1, Amendment 12]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new sentence is added at the end of paragraph (a) of § 1407.904; a new subparagraph (1) is added to § 1407.925, to read as set forth below:

§ 1407.904 Deliveries of non-quota slaughterers restricted. (a) * * *

The serving of controlled meat in meals by an exempt purchaser designated in § 1407.912 (a) (4) shall not be subject to the restrictions of this section.

§ 1407.925 Effective dates of amendments. * * *

(1) Amendment No. 12 (§§ 1407.904 (a) and 1407.925 (1)) to Restriction Order No. 1 shall become effective as of February 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, 729, 77th Cong.; W.P.B. Directive No. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-1435; Filed, January 27, 1943;
 12:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 97 to Supp. Reg. 14 to GMPR]

SALES BY INDEPENDENT COLLECTORS TO GREASE RENDERERS

A statement of the considerations involved in the issuance of this amendment

*Copies may be obtained from the Office of Price Administration.

17 F.R. 7829, 8217, 8524, 9247, 9250, 9639, 10258, 10621, 10704, 8 F.R. 375, 926.

7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7671, 7739, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9901, 9910, 10069, 10111, 10022, 10150, 10231, 10294, 10346, 10381, 10480, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 494, 535, 589, 863, 876, 878, 980, 1030.

7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6001, 6007, 6216, 6215, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Inferior subdivision (d) of § 1499.73 (a) (3) (ii) of Supplementary Regulation 14 to General Maximum Price Regulation, is amended to read as set forth below:

§ 1499.73 Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions. (a) * * *

(3) * * *

(ii) * * *

(d) Five cents per pound on sales by an independent collector to a renderer, except that on sales by an independent collector to a renderer of grease collected in those areas in which no independent collector or renderer collected fat bearing or oil bearing waste materials during the period from May 1, 1942, to July 6, 1942, inclusive, the maximum price shall be seven cents per pound. If the grease is not picked up by the renderer at the place of business of the independent collector but is shipped to the renderer with the cost of transportation being paid by the independent collector, the actual cost of transportation may be added to the maximum prices herein specified.

(b) Effective dates. * * *

(98) Amendment No. 97 (§ 1499.73 (a) (3) (ii) (d)) to Supplementary Regulation No. 14 shall become effective February 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-1424; Filed, January 27, 1943;
 12:30 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 15 Under Supp. Reg. 15 of GMPR]

W. C. McQUAIDE

Order No. 15 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-2543.

For the reasons set forth in an opinion issued simultaneously herewith: It is ordered:

§ 1499.1315 Adjustment of maximum prices for contract carrier services by W. C. McQuaide, of Apollo, Pennsylvania. (a) W. C. McQuaide, 512 North Seventh Street, Apollo, Pennsylvania, hereinafter referred to as applicant, may charge as maximum rates 5% more than applicant's March 1942 rates for applicant's services as a contract carrier by motor vehicle: Provided, That applicant shall for the 12 months following October 1, 1942, file quarterly profit and loss statements and balance sheets with this Office.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 15 (§ 1499.1315) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 15 (§ 1499.1315) shall become effective January 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1423; Filed, January 27, 1943;
12:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 247 Under § 1499.3 (b) of GMPR]

STANDARD BRANDS, INC.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1483 *Authorization of maximum price for sale of "Sted Cereal Beverage" by wholesalers and by retailers.*

(a) On and after January 28, 1943, the maximum price for sales of "Sted Cereal Beverage" by Standard Brands, Inc., having its principal place of business in New York, New York, shall be as follows:

(1) Delivered by applicant's trucks to retail stores: 15½¢ net per pound package.

(2) Direct shipments by common carrier to customer's place of business: 15¢ per pound package, less 2% cash discount 10 days.

(b) Wholesalers shall determine their maximum delivered selling price under the provisions of Maximum Price Regulation 237 as amended.

(c) Retailers shall determine their maximum delivered selling price under the provisions of Maximum Price Regulation 238 as amended.

(d) This Order No. 247 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 247 (§ 1499.1483) shall become effective January 28, 1943.

(Public Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1425; Filed, January 27, 1943;
12:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 248 Under § 1499.3 (b) of GMPR]

DOUBLE-MIX, INC.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1484 *Authorization of maximum prices for sales of "Double-Mix", a reagent compound in tablet form used with milk and butter to produce a butterlike*

spread, packed eight 35 grain tablets to an envelope, 50 envelopes to the carton, by Double-Mix, Inc., Kansas City, Missouri. (a) On and after January 28, 1943, the maximum selling price for "Double-Mix" for sale by Double-Mix, Inc., Kansas City, Missouri, shall be:

Per carton of 50 envelopes, eight 35 grain tablets per envelope..... \$1.44

The maximum price established herein applies on a delivered basis to the purchasers' stations, and shall be subject to a discount of 2% for prompt payment.

(b) Sellers at wholesale are authorized a selling price per carton for "Double-Mix" of not more than \$1.80 per carton of 50 envelopes delivered to the purchasers' customary receiving points.

(c) Sellers at retail are authorized maximum delivered selling prices per envelope of eight 35 grain tablets of "Double-Mix" as follows:

If the retailer's customary supplier is a wholesaler, such retail price shall in no case exceed five cents per envelope of eight 35 grain tablets.

If the retailer's customary supplier is the manufacturer (Double-Mix, Inc.) the retail price shall in no case exceed four cents per envelope of eight tablets.

(d) Sellers at wholesale shall apply their customary allowances, discounts, and/or trade practices to the sale of "Double-Mix" as apply to comparable commodities of this type and classification unless a change in these customary allowances, discounts and/or trade practices results in a lower selling price.

(e) On and after January 28, 1943, Double-Mix, Inc., shall supply to each of its purchasers before or at the time of the first delivery of "Double-Mix" to such purchasers a written notification for each type of purchaser, and for a period of three months thereafter shall include with each carton of "Double-Mix" a written notification to retailers. If such retailer notification is enclosed in the carton, a legend shall be affixed to the outside of such carton to read "Retailer's Notice Enclosed". The written notifications, for each type of purchaser, shall include the following appropriate statements:

Notification From Double-Mix, Inc., to Purchasers

The Office of Price Administration has authorized us to charge the following price for "Double-Mix": \$1.44 per carton of 50 envelopes, each envelope containing eight 35 grain tablets. Sellers at wholesale are authorized a maximum delivered selling price per carton of 50 envelopes of "Double-Mix" of \$1.80.

Sellers at retail who customarily purchase "Double-Mix" from wholesalers are authorized a maximum selling price of 5¢ per envelope of eight 35 grain tablets.

Sellers at retail who customarily purchase "Double-Mix" directly from us are authorized a maximum selling price of 4¢ per envelope of eight 35 grain tablets.

A copy of notification to retailers is included in or on every shipping unit of this item. If the initial sale of this item is a split carton sale, i. e., less than one carton of 50 envelopes, wholesalers are required to provide such retailers with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification From Double-Mix, Inc., to Retailers

The Office of Price Administration has authorized maximum selling prices for retail sellers of "Double-Mix" as follows: Retail sellers who customarily purchase this product from wholesalers are authorized a maximum selling price of 5¢ per envelope of eight 35 grain tablets. Retail sellers who customarily purchase this product directly from us are authorized a maximum selling price of 4¢ per envelope of eight 35 grain tablets.

(f) This Order No. 248 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 248 (§ 1499.1484) shall become effective as of January 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1426; Filed, January 27, 1943;
12:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 249 Under § 1499.3 (b) of GMPR]

KITCHEN ART FOODS, INC., AND JEWEL
TEA CO.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1485 *Authorization of maximum prices for sales of "Jewel Spaghetti Sauce Mix", a preparation used to produce a sauce, packed four envelopes of ¾ ounce each to the carton for sale by Kitchen Art Foods, Inc., 226 West Ontario Street, Chicago, Illinois, and by Jewel Tea Company, Barrington Park, Illinois.* (a) On and after January 28, 1943, the maximum selling price for "Jewel Spaghetti Sauce Mix" for sale by Kitchen Art Foods, Inc., Chicago, Illinois, shall be 11½ cents per carton of 4 envelopes, each envelope containing ¾ ounce net weight.

The maximum price established herein applies on a delivered basis to the purchaser's customary receiving point and shall be subject to a discount of 2% for prompt payment.

(b) Jewel Tea Company of Barrington Park, Illinois, is authorized to establish a maximum selling price of 29 cents per carton of 4 envelopes of "Jewel Spaghetti Sauce Mix".

(c) Kitchen Art Foods, Inc., Chicago, Illinois, and Jewel Tea Company, Barrington Park, Illinois, shall apply their customary allowances, discounts and trade practices to the sale of "Jewel Spaghetti Sauce Mix" as apply to comparable commodities of this type and classification, unless a change in these customary allowances, discounts and trade practices results in a lower selling price.

(d) Before or at the time of the first delivery of "Jewel Spaghetti Sauce Mix" to Jewel Tea Company, Barrington Park, Illinois, Kitchen Art Foods, Inc., Chicago,

Illinois, shall supply a written notice to Jewel Tea Company as follows:

Notification From Kitchen Art Foods, Inc., to Jewel Tea Company

The Office of Price Administration has authorized us to charge 1½ cents per carton of four envelopes each containing ¾ ounce of "Jewel Spaghetti Sauce Mix," subject to a discount of 2% for prompt payment. As a seller at retail, you are authorized to establish a maximum selling price of 29¢ per carton of 4 envelopes. The Office of Price Administration requires that you keep this notice for examination.

(c) This Order No. 249 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 249 (§ 1499.1485) shall become effective January 28, 1943, (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1427; Filed, January 27, 1943; 12:23 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 250 Under § 1499.3 (b) of GMPR]

AMERICAN PLYWOOD CORP.

Order 250 under § 1499.3 (b) of the General Maximum Price Regulation—American Plywood Corporation—Docket No. GF3-2679.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1486 Adjustment of maximum prices for aircraft plywood manufactured by American Plywood Corporation. (a) American Plywood Corporation of New London, Wisconsin, may sell and deliver aircraft plywood in specifications AN-NN-P-511b, and any person may buy such plywood from American Plywood Corporation, at prices, f. o. b. New London, Wisconsin, no higher than those hereinafter set forth:

MAXIMUM PRICES PER THOUSAND SQUARE FEET FOR AIRCRAFT PLYWOOD, AN-NN-P-511b SPECIFICATIONS F. O. B. NEW LONDON, WISCONSIN

Length	Birch—Birch		Birch—Poplar		Gum—Gum		Gum—Poplar		Mahogany—Mahogany		Mahogany—Poplar		Poplar—Poplar or Basswood—Basswood	
	90°	45°	90°	45°	90°	45°	90°	45°	90°	45°	90°	45°	90°	45°
3 PLY	48" and under	\$307.50	\$435.00											
	72" limit	347.50	485.00											
	72" and under	295.00	392.50											
	84" limit	255.00	380.00											
	84" and under	175.00	292.50	\$165.00	\$237.50	\$207.50	\$292.50	\$182.50	\$240.00	\$205.00	\$290.00	\$147.50	\$217.50	
	96" limit	185.00	292.50	175.00	247.50	217.50	302.50	192.50	250.00	350.00	215.00	300.00	157.50	227.50
5 PLY	84" and under	175.00	292.50	175.00	247.50	217.50	302.50	192.50	250.00	350.00	215.00	300.00	157.50	227.50
	96" limit	185.00	292.50	175.00	247.50	217.50	302.50	192.50	250.00	350.00	215.00	300.00	157.50	227.50
	96" and under	200.00	287.50	185.00	252.50	237.50	330.00	202.50	285.00	327.50	160.00	327.50	227.50	297.50
	84" and under	210.00	297.50	192.50	262.50	272.50	385.00	217.50	312.50	230.00	327.50	165.00	340.00	240.00
	96" limit	222.50	300.00	200.00	272.50	282.50	395.00	227.50	322.50	245.00	337.50	175.00	350.00	250.00
	84" and under	222.50	300.00	200.00	272.50	282.50	395.00	227.50	322.50	245.00	337.50	175.00	350.00	250.00
7 PLY	84" and under	235.00	322.50	215.00	287.50	315.00	425.00	235.00	315.00	255.00	335.00	185.00	375.00	265.00
	96" limit	245.00	332.50	225.00	297.50	325.00	435.00	245.00	325.00	265.00	345.00	195.00	385.00	275.00
	84" and under	265.00	372.50	245.00	317.50	345.00	467.50	265.00	345.00	285.00	365.00	205.00	405.00	295.00
	96" limit	275.00	382.50	255.00	327.50	355.00	477.50	275.00	355.00	295.00	375.00	215.00	415.00	305.00
	84" and under	295.00	407.50	275.00	347.50	375.00	497.50	295.00	375.00	315.00	395.00	225.00	435.00	315.00
	96" limit	305.00	417.50	285.00	357.50	385.00	507.50	305.00	385.00	325.00	405.00	235.00	445.00	325.00
9 PLY	84" and under	305.00	407.50	275.00	347.50	375.00	497.50	295.00	375.00	315.00	395.00	225.00	435.00	315.00
	96" limit	315.00	417.50	285.00	357.50	385.00	507.50	315.00	395.00	335.00	415.00	245.00	455.00	335.00
	84" and under	335.00	447.50	315.00	377.50	405.00	527.50	335.00	415.00	355.00	435.00	255.00	475.00	355.00
	96" limit	345.00	457.50	325.00	387.50	415.00	537.50	345.00	425.00	365.00	445.00	265.00	485.00	365.00
	84" and under	365.00	477.50	345.00	407.50	435.00	557.50	365.00	445.00	385.00	465.00	285.00	505.00	385.00
	96" limit	375.00	487.50	355.00	417.50	445.00	567.50	375.00	455.00	395.00	475.00	295.00	515.00	395.00
1 PLY	84" and under	385.00	497.50	365.00	427.50	455.00	577.50	385.00	465.00	405.00	485.00	305.00	525.00	405.00
	96" limit	395.00	507.50	375.00	437.50	465.00	587.50	395.00	475.00	415.00	495.00	315.00	535.00	415.00
	84" and under	415.00	527.50	395.00	457.50	485.00	607.50	415.00	495.00	435.00	515.00	335.00	555.00	435.00
	96" limit	425.00	537.50	405.00	467.50	495.00	617.50	425.00	505.00	445.00	525.00	345.00	565.00	445.00
	84" and under	445.00	557.50	425.00	487.50	515.00	637.50	445.00	525.00	465.00	545.00	365.00	585.00	465.00
	96" limit	455.00	567.50	435.00	497.50	525.00	647.50	455.00	535.00	475.00	555.00	375.00	595.00	475.00

(b) All discounts, credit allowances and other terms relating to payment in effect by applicant in March 1942 shall apply to the prices herein determined.

(c) All prayers of the applicant not granted herein are denied.

(d) This Order No. 250 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 250 (§ 1499.1486) shall become effective this 28th day of January 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1428; Filed, January 27, 1943;
12:28 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,¹ Amendment 33]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new sub-title is added and a new § 1394.5715 under it is added; and a new paragraph (gg) is added to § 1394.5902; as set forth below:

Emergency Orders

§ 1394.5715 *Emergency orders by Regional Administrators.* (a) Any Regional Administrator for a region which includes, in whole or in part, any of the states enumerated in paragraph (c) of this section, who finds that within any locality or localities in such area an emergency in the transportation or distribution of fuel oil exists which endangers the public health or welfare or the war effort, may:

(1) Issue an emergency order, effective in such locality or localities, directing that transfers of fuel oil to consumers entitled to acquire fuel oil under any of the provisions of these regulations, shall be made in such order of priority or under such limitations as he may designate.

(2) Join with any other Regional Administrator in the issuance of any emergency order which may be issued under this section.

(b) When the terms of any emergency order issued pursuant to paragraph (a) of this section conflict with any of the other provisions of these regulations, the terms of the emergency order shall prevail.

(c) The States referred to in paragraph (a) of this section mean: Connecticut, Florida (east of the Apala-

chicola River), Georgia, Delaware, Maryland, Maine, Massachusetts, New Jersey, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(gg) Amendment No. 33 (§ 1394.5715) to Ration Order No. 11 shall become effective on January 27, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1453; Filed, January 27, 1943;
4:08 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,¹ Amendment 34]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In subparagraph (1) of paragraph (b) of § 1394.5201, the phrase "From February 9, 1943, to March 31, 1943, inclusive" is amended to read "From February 2, 1943, to April 17, 1943, inclusive"; in subparagraph (2) of said paragraph (b), the phrase "From February 7, 1943, to March 26, 1943, inclusive," is amended to read "From January 31, 1943, to April 12, 1943, inclusive"; in subparagraph (3) of said paragraph (b), the phrase "From February 3, 1943, to March 20, 1943, inclusive" is amended to read "From January 27, 1943, to April 6, 1943, inclusive"; and in subparagraph (4) of said paragraph (b), the phrase "From February 6, 1943, to March 20, 1943, inclusive" is amended to read "From January 30, 1943, to April 6, 1943, inclusive"; and a new paragraph (hh) is added to § 1394.5902; as set forth below:

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(hh) Amendment No. 34 (§ 1394.5201) to Ration Order No. 11 shall become effective on January 28, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1-O, 7 F.R. 8418, E.O. No. 9125, 7 F.R. 2719)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1454; Filed, January 27, 1943;
4:07 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 3 to Supplement 1² to Ration Order 11¹]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the division of the Federal Register.*

A new subparagraph (4) is added to § 1394.9101 (a), as set forth below:

§ 1394.9101 *Designation of unit value in gallons of fuel oil.* (a) * * *

(4) The value of one unit represented by coupons numbered "4" on Class 1 coupon sheets, and the value of ten units represented by coupons numbered "4" on Class 2 coupon sheets are hereby fixed as:

(i) Nine (9) gallons and ninety (90) gallons, of fuel oil, respectively, in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida (east of the Apalachicola River), and the District of Columbia;

(ii) Eleven (11) gallons and one hundred and ten (110) gallons, of fuel oil, respectively, in the States of Iowa, Michigan, Minnesota, Nebraska, Wisconsin, North Dakota and South Dakota, and those parts of the States of Ohio, Indiana, Illinois, Missouri and Kansas which lie in Thermal Zone B;

(iii) Ten (10) gallons and one hundred gallons (100) of fuel oil, respectively, in the State of Kentucky and in those parts of the States of Ohio, Indiana, Illinois, Missouri and Kansas which lie in Thermal Zone C.

(b) *Effective dates.* * * *

(4) Amendment No. 3 to Supplement No. 1 (§ 1394.9101) shall become effective on January 28, 1943.

(Pub. Law. 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421; W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1456; Filed, January 27, 1943;
4:08 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,² Amendment 18]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale to this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraphs (45), (46), (47), (48), (49) and (50) are added to paragraph (a) of § 1394.7551; in subparagraph (10)

¹ 7 F.R. 8708.

² 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 665, 1028.

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9430, 9427, 9621, 9784, 10153, 10081, 10379, 10532, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977.

of such paragraph the word "checks", is inserted between the word "coupons," and the phrase "acknowledgments of delivery"; in paragraph d) of § 1394.8201, the phrase "surrender to the Board for cancellation inventory coupons or other evidences" is deleted and the phrase "issue to the Board a check" is substituted therefor; in paragraph (a) of § 1394.8205 the phrase "exchanged at any Board by a dealer or intermediate distributor" is deleted, and the phrase "exchanged at any Board by a dealer" is substituted therefor; in paragraph (a) of § 1394.8206 the phrase "and intermediate distributor" is deleted; the heading "Ration Banking" is inserted immediately following § 1394.8206; in paragraph (a) of § 1394.8214, the phrase "A distributor may at any time" is deleted, and the phrase "A distributor shall, whenever he is expressly required by a provision of Ration Order No. 5C to do so," is substituted therefor; in paragraph (b) of § 1394.8218, and in § 1394.8219, the word "certificate," and the phrases "exchange certificate" and "certificates or other evidences" are deleted, and the word "check" is substituted for each such deleted word or phrase; four new sections, §§ 1394.8206a, 1394.8206b, 1394.8206c and 1394.8206d and a new paragraph (d) to § 1394.8218, are added; §§ 1394.8209, 1394.8210, 1394.8211, 1394.8213, 1394.8221, 1394.8223, and 1394.8225, and paragraph (b) of § 1394.8206, paragraph (a) of § 1394.8207, paragraph (c) of § 1394.8215, and paragraph (a) of § 1394.8218 are amended; and §§ 1394.8326 through 1394.8340, inclusive, are revoked, subject to the provisions of § 1394.8206d; as set forth below:

Definitions

§ 1394.7551 *Definitions.* (a) When used in Ration Order No. 5C:

(45) "Account" means a gasoline ration bank account carried by a bank, in which the bank keeps a record of deposits of gasoline evidences and of transfers of gasoline ration credits.

(46) "Bank" means a bank or bank branch which participates in ration banking by opening an account in accordance with General Ration Order No. 3.

(47) "Check" means a gasoline ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

(48) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts.

(49) "Issue", when used with respect to a check, means the delivery of a completed check to the person to whose account the check is made payable.

(50) "Ration credits" means the credits in an account reflecting deposits of gasoline evidences.

Replenishment and Audit

Registration of Place of Business

§ 1394.8206 *Restriction on use of inventory coupons.* * * *

(b) Every dealer and intermediate distributor shall clearly write in ink or stamp in ink on the reverse side of each inventory coupon issued to him the name and address of his establishment as shown on his certificate of registration, and no inventory coupon shall be deposited in a bank or used in exchange for gasoline, and no gasoline may be transferred in exchange for inventory coupons, unless such notations appear on such coupons.

Ration Banking

§ 1394.8206a *Who opens an account.*

(a) Every licensed distributor shall, on and after January 27, 1943, open at least one account, in the manner provided by General Ration Order No. 3A, in each state to which he is required to account for motor fuel taxes, for all his places of business and operations in that state. If a licensed distributor has more than one place of business in any one state, he may open a separate account for each place of business or any group of places in the state. A licensed distributor who is required to account for motor fuel taxes to more than one state and who claims that having a ration bank account in any state to which he is required to account would work great and undue hardship on him may apply to the Gasoline Rationing Branch, Office of Price Administration, Washington, D. C., for permission to do business in such a state without having an account there and to account to such state by issuing a check drawn on an account in a bank which is in another state. The application shall be in writing, in duplicate, and shall show the applicant's name, business name and address, the nature of his operations within such state, the name and address of the bank carrying the account on which he will draw a check when making his monthly report to such state, and the reasons why having an account in such state would work great and undue hardship on him. If the Office of Price Administration is satisfied that his having an account in that state would work great and undue hardship on him it may grant him permission to do business as a licensed distributor in that state without having an account there, and to account to such a state by issuing a check drawn on an account in a bank which is in another state. The Gasoline Rationing Branch will retain the original of the application and will send the duplicate to the state tax administration in the state in which the applicant is permitted to do business without an account.

(b) Every intermediate distributor shall, on and after January 27, 1943, open a separate account for each place of business as to which he is registered as an intermediate distributor.

(c) Notwithstanding any other provision of Ration Order No. 50, a facility of the armed forces, such as a Military or Naval Post or Station, a Post Exchange or a Ship's Service Store, which operated in the same manner as a licensed distributor, may, but is not required to, open an account. Such a facility electing to open an account shall make deposits and be subject to the

same provisions with respect to ration banking as a licensed distributor.

(d) A place of business of a distributor shall be deemed to be an establishment for the purposes of General Ration Order No. 3A.

§ 1394.8206b *Deposits.* (a) Every distributor shall deposit in his account all gasoline coupons or other evidences (including checks) received by him: *Provided*, That a distributor shall not deposit:

(1) Any Class S coupon;

(2) Any Class A coupon before it has become valid or more than fifteen (15) days after the date of expiration of such coupon;

(3) Any bulk coupon printed on Forms OPA R-553 or Forms OPA R-554 (that is, a bulk coupon not bearing the printed word "gasoline" on its face) after February 5, 1943.

(4) Any coupon not bearing the notations required by paragraphs (d) and (e) of § 1394.8004, paragraph (c) of § 1394.8006 and paragraph (b) of § 1394.8206.

(b) Every depositor shall, before depositing any coupon sheet not bearing his name and address on the face thereof, or any evidence not affixed to a coupon sheet, endorse his name and address on the reverse side thereof.

(c) A licensed distributor who acquires gasoline solely for use shall, immediately after receiving his ration from the Board, deposit all the coupons or other evidences so received by him whether or not he has used the gasoline for which the coupons were issued. Any distributor who transfers and also uses gasoline shall not deposit coupons received by him from a Board as a ration: *Provided*, That if he obtains gasoline for use from his own storage facilities, he shall, at the time that he obtains the gasoline, deposit coupons or other evidences representing the amount of gasoline obtained.

§ 1394.8206c *Issuance of checks.* A depositor may not issue a check except to the following persons:

(a) To a person who transfers gasoline to him, in exchange for the transfer of the gasoline.

(b) To a person from whom he has received evidences, to make an adjustment between the amount of evidences received and the amount of gasoline transferred to such person in exchange for such evidences.

(c) To the Office of Price Administration or to any office or Board thereof.

(d) To his own account for the purpose of transferring ration credits from one of his accounts as a licensed distributor to another of his accounts as a licensed distributor in the same state.

§ 1394.8206d *Termination of Temporary Ration Banking Plan.* (a) Sections 1394.8326 through 1394.8338, inclusive (Temporary Ration Banking Plan), are revoked as of 12:01 a. m. February 9, 1943; and §§ 1394.8325, 1394.8339 and 1394.8340 remain in full force and effect: *Provided*, That between January 27, 1943, and February 8, 1943, inclusive, the definitions contained in § 1394.8325 shall apply only to this section and to

§§ 1394.8325 through 1394.8340 inclusive, and after February 8, 1943, to this section and to §§ 1394.8339 and 1394.8340: *And provided further*, That on and after January 27, 1943, no person may open an account pursuant to §§ 1394.8325 through 1394.8340 inclusive, and any person who opened an account pursuant to such sections on or before January 26, 1943, must close it on or before February 8, 1943. A voucher may be drawn on an account maintained under §§ 1394.8325 through 1394.8340 only until the depositor closes such account, but no later than February 8, 1943. Such a voucher may be deposited, by the person to whom it is issued, only within fifteen (15) days from the date appearing on it and only in an account maintained at a Listed Bank, whether the account is maintained pursuant to §§ 1394.8325 through 1394.8340 or to General Ration Order No. 3A.

(b) A person closing a temporary account pursuant to paragraph (a) of this section and opening a new account in the same bank shall do so by returning to the bank all unused vouchers, requesting the bank to close the temporary account and opening his new account, at the same time, in the manner prescribed by General Ration Order No. 3A. The bank will credit the new account with any ration credits in the temporary account. Vouchers drawn by such person on the temporary account before it is closed and received by the bank after the new account is opened will be charged to the new account.

(c) A person closing such a temporary account without opening a new account in the same bank shall do so by issuing to a Listed Board a voucher payable to the Board in an amount equal to any balance on hand in the temporary account to be closed, less the total amount of all vouchers outstanding. The Board shall, in exchange for the voucher issued to it, give the person who issued the voucher inventory coupons or an exchange certificate in an amount equal to the face amount of the voucher. The Board shall then write the word "closing" on the reverse side of the voucher, shall endorse it and shall send it to the drawee bank. After issuing such a voucher to a Board, a depositor may neither make a deposit in, nor draw a voucher on, the discontinued account, and must return to the bank all of his unused vouchers. The drawee bank will debit the voucher received from the Board to the account on which it is drawn and will close the account if no balance remains after the voucher has been debited. If a balance remains, the bank will debit to such account only vouchers which bear the same date as, or an earlier date than, the voucher received from the Board, and will close the account whenever no balance remains. If a balance remains in the account twenty (20) days after the bank has received the voucher from the Board, the bank shall close the account and notify the depositor in writing, of the unused credit. The depositor may secure inventory coupons or an exchange certificate in the amount of the unused credit from a Listed Board in exchange for the written notification from the bank. The Board shall return the noti-

cation to the bank which wrote it. If the person closing the account has no balance on deposit in the account he may close it by returning his unused vouchers to the bank and requesting the bank to close the account.

Restrictions on Transfers Between Dealers and Distributors

§ 1394.8207 *Restriction on transfers to dealers.* (a) (1) Except as provided in § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to a dealer, and no dealer shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences at the time of the actual delivery of the gasoline or in advance thereof, equal in gallonage value to the quantity of the gasoline transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal in gallonage value to the adjusted quantity of gasoline transferred: *Provided*, That transfers of gasoline may be made only in exchange for coupons bearing the notations required by paragraphs (d) and (e) of § 1394.8004, paragraph (c) of § 1394.8006 and paragraph (b) of § 1394.8206.

(2) Except as provided in § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to a distributor, and no distributor shall receive a transfer of gasoline, except in exchange for his check, at the time of the actual delivery of the gasoline or in advance thereof, payable to the transferor of the gasoline in an amount equal to the gallonage value of the quantity of gasoline transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal to the gallonage value of the adjusted quantity of gasoline transferred: *Provided, however*, That such a transfer made on or before February 8, 1943, shall be accompanied by an exchange of coupons or other evidences (other than checks) if the distributor has not opened an account at the time of the transfer: *Provided, further*, That a check or coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors unless in the course of transit between such licensed distributors the gasoline is delivered to a dealer or intermediate distributor for re-delivery to the transferee.

§ 1394.8209 *Absentee deliveries; third party deliveries.* Where a distributor elects to make delivery of gasoline during hours when the transferee is not open for business, the transferee shall, where the exact amount of delivery is known in advance, mail or deliver coupons or other evidences (or, if he is a depositor, issue his check) in advance to the distributor, or, at the discretion of the distributor, within twenty-four (24) hours of delivery, equal in gallonage value to the amount, or adjusted amount, of the delivery. Where delivery of gasoline to a dealer or intermediate distributor is made by a common or contract carrier or by pipe line, or where the billing for gasoline transferred is not received by the transferee

at the same time as or prior to receipt of the transfer by him, the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver in advance coupons or other evidences (or, if he is a depositor, issue his check) to his distributor equal in gallonage value to the amount, or adjusted amount, of the delivery or may, at the discretion of the transferor, forward such coupons or other evidences, or issue such check, within five (5) days after receipt of such delivery.

§ 1394.8210 *Upstream transfers.* (a) Any distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor, other than in connection with a transfer to him of the place of business of such dealer or intermediate distributor, shall issue to such dealer or intermediate distributor his check equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Except as provided in paragraph (c) of this section, any dealer or distributor who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver to the Board having jurisdiction over the area in which the place of business of such dealer or distributor is located a quantity of coupons or other evidences (or, in the case of a transfer or return to a distributor, shall issue his certified check payable to the Office of Price Administration) equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired, and the quantity of gasoline so acquired. The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the State Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such statements. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other nota-

tions as may be required, note on the face of the coupon books issued, and on the application, the expiration date of the ration, which shall be the same expiration date as that applicable to the ration originally issued.

(c) If gasoline is transferred between a Military or Naval Post or Station and a facility such as a Post Exchange or Ships' Service Store, the transferee of the gasoline need not surrender coupons or other evidences or issue his check to a Board as required in paragraph (b) of this section.

§ 1394.8211 *Preservation of coupons; coupon sheets.* Each dealer and distributor shall affix all coupons received by him to a coupon sheet (Form OPA R-120) in the manner directed thereon, prior to deposit in a bank or to any transfer of such coupons. Separate coupon sheets shall be maintained for coupons of each separate type, only coupons of the same class and gallonage value being attached to any one such sheet.

§ 1394.8213 *Summary of coupons.* Each dealer shall, prior to every delivery by him of coupons or other evidences to a transferor of gasoline, prepare in duplicate, on Form OPA R-541, a summary of coupons and other evidences in the manner directed thereon, certifying the number of each type of coupon or other evidences to be delivered. The original of this summary shall be delivered to the transferor attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year. A distributor who receives such a summary shall retain it at his place of business for a period of not less than one year.

§ 1394.8215 *Transfer and surrender of expired coupons.* * * *

(c) On and after December 11, 1942, but not later than December 15, 1942, in the case of Class S ration coupons, and on and after ten (10) days but not later than fifteen (15) days after the expiration dates of Class A ration coupons, each dealer who has in his possession or control Class S or expired Class A ration coupons shall surrender such coupons, summarized on Form OPA R-541, to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to a dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After December 15, 1942, in the case of Class S ration coupons, and after fifteen (15) days from the expiration date of any Class A ration coupons, such coupons are void, and no gasoline may be transferred in exchange therefor, and no inventory coupons or other evidence may be issued to a dealer in exchange for Class S or expired Class A ration coupons.

Records and Audits

§ 1394.8218 *Reports by licensed distributors.* (a) Every licensed distributor shall prepare an additional copy of each of his monthly State motor fuel tax reports (and supporting schedules), which he shall submit to the State motor fuel tax administration at the time and

in the manner required by such administration for the usual monthly report. He shall at the same time issue his check, payable to the Office of Price Administration and certified or confirmed by the bank carrying the account on which the check is drawn, in an amount equal to the total gallonage value of coupons or other evidences for which he is required to account for the period for which such return is made and he shall attach this check to the copy of the report submitted. Gasoline which has been shipped and billed in exact amount to a transferee during a calendar month, and which is included by the licensed distributor in the State motor fuel tax report for such month, shall be treated both by the transferor and transferee as gasoline transferred during such month, even though actual receipt of such gasoline by the transferee may take place during the following calendar month.

(d) Every licensed distributor shall be accountable for all gasoline, coupons and other evidences received by him. He shall at all times have in his possession or control coupons or other evidences in a gallonage value which, when added to the gallonage represented by exchange certificates which have been transmitted to the State motor fuel tax administration pursuant to § 1394.8218 and the gallonage represented by the total of all coupons or other evidences deposited in his ration bank accounts, shall be equivalent in gallonage value to the number of gallons of gasoline which he has transferred on or after December 1, 1942, (or on or after July 22, 1942 in the limitation area) and for which the receipt by him of coupons or other evidences is required by Ration Order No. 5C, except such coupons or other evidences as may be accounted for by theft or unavoidable loss.

New Registrations

§ 1394.8221 *Cessation of business.* Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the certificate of registration of such place of business and a quantity of coupons or other evidences (or, if he is an intermediate distributor, shall issue to the Board his certified check) equal in gallonage value to the total capacity of the gasoline storage facilities of such place of business plus the gallonage value of any other coupons or other evidences deposited or on hand (except those issued to him as a ration by a Board).

§ 1394.8223 *Acquisition of dealer's or intermediate distributor's place of business.* Any person who acquires for continued operation for the transfer of gasoline a place of business from a dealer or intermediate distributor may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall, at

the time of acquisition, obtain from such dealer or intermediate distributor, and such dealer or intermediate distributor shall furnish, the certificate of registration of such place of business and coupons or other evidences (or, if the transferor is an intermediate distributor, the transferor's certified check payable to the Office of Price Administration), equal in gallonage value to the unfilled gasoline storage capacity as of the time of transfer of such place of business. The transferee of such place of business shall, immediately after the transfer, deliver to the Board having jurisdiction over the area in which the place of business is located, the certificate of registration so delivered, and, if the transferee is a licensed distributor, shall also deliver at such time the coupons or other evidences (if the transferor was a dealer) or the check (if the transferor was an intermediate distributor) received by him from such dealer or intermediate distributor, and shall endorse his name and address on such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall constitute a certification by the transferee that he has acquired from the transferor the place of business described in such certificate, the total quantity of gasoline on hand at such place of business, and coupons or other evidences (or, if the transferor was a distributor, a check), equal in gallonage value to the unfilled gasoline storage capacity of such place of business as of the time of transfer. The place of business so acquired shall be registered by the transferee in accordance with the provisions of §§ 1394.8201 to 1394.8205, inclusive.

§ 1394.8225 *Newly licensed distributor.* Any dealer or intermediate distributor who becomes a licensed distributor shall forthwith deliver to the Board having jurisdiction of the area in which such place of business is located the certificate of registration as a dealer or intermediate distributor of such place of business, and coupons or other evidences (or, if he is an intermediate distributor, he shall issue to the Board his certified check payable to the Office of Price Administration) equal in gallonage value to the total unfilled capacity of the gasoline storage facilities at such place of business, plus the gallonage value of any other coupons or other evidences deposited or on hand (except those issued to him as a ration by a Board) as of the date on which he commenced operations as a licensed distributor, and shall register as a licensed distributor in accordance with the provisions of paragraph (c) of § 1394.8201.

Effective Date

§ 1394.8352 *Effective dates of amendments.* * * *

(r) Amendment No. 18 to Ration Order No. 5C (§§ 1394.7551 (a) (10), (45), (46), (47), (48), (49) and (50); 1394.8201 (d); 1394.8205 (a); 1394.8206 (a) and (b); 1394.8207 (a); 1394.8206a; 1394.8206b; 1394.8206c; 1394.8206d; 1394.8209; 1394.8210; 1394.8211; 1394.8213; 1394.8214 (a); 1394.8215 (c); 1394.8218 (a), (b) and (d); 1394.8219; 1394.8221;

1394.8223; 1394.8225) shall become effective January 27, 1943.

(Pub. Laws 421, 507, and 729, 77th Cong., Executive Order No. 9125 issued by the President on April 7, 1942; W.P.B. Dir. No. 1, 7 F.R. 562)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1451; Filed, January 27, 1943;
4:07 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order No. 12, Amendment 12]

COFFEE RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (d) of § 1407.1023 is revoked; paragraph (w) of § 1407.952, § 1407.956, paragraphs (b) and (d) of § 1407.1020, paragraphs (a), (b), and (c) of § 1407.1023, § 1407.1026, paragraph (a) of § 1407.1042, paragraph (c) of § 1407.1052, paragraph (c) of § 1407.1053, paragraph (b) of § 1407.1071, and § 1407.1072 are amended to read as follows: new paragraphs (y) to (ff), inclusive, are added to § 1407.952, new §§ 1407.992 and 1407.1032 are added, new paragraphs (c) and (d) are added to § 1407.1042, and new paragraph (l) is added to § 1407.1090a, as set forth below:

Definitions

§ 1407.952 *Definitions.* When used in Ration Order No. 12 the term: * * *

(w) "Weight value" means the amount of coffee authorized to be transferred by a coffee stamp, certificate, purchase warrant, or check.

(y) "Account" means a coffee ration bank account carried by a bank, in which the bank keeps a record of deposits of coffee stamps, certificates, and checks and of transfers of coffee ration credits.

(z) "Bank" means a bank or bank branch which participates in ration banking by opening an account in accordance with General Ration Order No. 3.

(aa) "Check" means a coffee ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

(bb) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts.

(cc) "District Office" means the District Office of the Office of Price Administration having jurisdiction over the area in which the bank carrying the account for a depositor is located, or, if there is no such District Office, the State

Office of the Office of Price Administration having jurisdiction over that area.

(dd) "Evidences" means coffee stamps, certificates, and checks.

(ee) "Issue", when used with respect to a check, means the delivery of a completed check to the person to whose account the check is made payable.

(ff) "Ration credits" means the credits in an account reflecting the deposit of coffee stamps, certificates, or checks.

Restriction of Transfers

§ 1407.956 *Transfer of roasted coffee must be accompanied by surrender or issuance of evidences.* Except as otherwise provided in Ration Order No. 12, a transfer of roasted coffee shall be made only upon the surrender or issuance of appropriate evidences authorizing such transfer.

Retailers and Wholesalers

§ 1407.992 *Ration banking by retailers and wholesalers.* (a) Each retailer who owns:

(1) More than one retail establishment;

(2) A single retail establishment whose gross sales of all meats, groceries, fruits, vegetables, and similar products made from such establishment during December 1942 were \$5,000 or more; or

(3) A retail establishment at which green coffee is roasted, shall open at least one account for all such establishments and each wholesaler shall open at least one account for all his wholesale establishments.

(b) Any other retailer may open an account for his establishment.

(c) Any retailer or wholesaler described in paragraph (a) of this section may, at his option, open a separate account for each establishment or for any group of retail or group of wholesale establishments described in such paragraph.

(d) Each account shall be carried in the name of the retailer or wholesaler who shall designate the establishment or establishments for which the account is opened. All accounts shall be opened in accordance with General Ration Order No. 3A.

(e) A retailer may transfer ration credits from one of his retail accounts to another of his retail accounts, and a wholesaler from one of his wholesale accounts to another of his wholesale accounts by the issuance of a check without the transfer of coffee.

(f) No certificate received by an institutional user in connection with his institutional allotment or required to be retained by him as an institutional user roaster shall be deposited by him in any account.

Certificates and Coffee Stamps

§ 1407.1020 *Nature and validity of certificates and coffee stamps.* * * *

(b) Each coffee stamp authorizes the transfer of one pound of roasted coffee to a consumer only during the ration period assigned to that coffee stamp in § 1407.1091. A coffee stamp received in accordance with Ration Order No. 12, by a retailer, who is not and is not required to be a depositor, and against which

such retailer has transferred roasted coffee, authorizes such retailer to acquire roasted coffee therewith from another retailer or wholesaler, if such stamp is surrendered to such other retailer or wholesaler within 10 days of the close of the ration period assigned to such coffee stamp. Coffee stamps surrendered to a depositor shall be valid for deposit in his account for a period of 20 days after the close of the ration period assigned to such coffee stamp, and, except as provided in paragraph (f) of § 1407.1032, he may issue checks at any time against credits created by the deposit of a stamp: *Provided, however,* That notwithstanding anything to the contrary contained in Ration Order No. 12, on or before February 15, 1943, coffee stamp No. 27 may be deposited, or may be surrendered in order to authorize the transfer of roasted coffee to a retailer who is not and is not required to be a depositor.

(d) A certificate authorizes the person to whom it is issued, if he is not and is not required to be a depositor, to acquire roasted coffee therewith within 60 days of the date of issuance of the certificate. A certificate surrendered by endorsement to a retailer who is not and is not required to be a depositor, authorizes the transfer of roasted coffee to such retailer within 80 days of the date of issuance of the certificate. A certificate issued or surrendered to a depositor shall be valid for deposit in the account of such depositor only within 80 days of the date of issuance of the certificate. A certificate issued before January 27, 1943, which is surrendered by endorsement to another person, authorizes the transfer of roasted coffee, and may be deposited within 60 days after the date of issuance of such certificate or within 30 days after the date contained in the endorsement to such person, whichever is later. A depositor may, except as provided in paragraph (f) of § 1407.1032, issue checks at any time against credits created by the deposit of a certificate. Certificates which, on or prior to January 27, 1943, cease to authorize the transfer of roasted coffee, shall not be valid for deposit.

§ 1407.1023 *War ration stamp cards.*

(a) A person to whom coffee stamps are surrendered by a consumer shall affix the coffee stamps to a war ration stamp card (OPA Form R-304) or to a similar card. Only coffee stamps bearing the same number may be affixed to a card. Not all the spaces on a card need be filled. Subject to paragraphs (b) and (c) of this section, the card may be surrendered by a depositor to a bank for deposit, or by a retailer who is not and is not required to be a depositor to another retailer or wholesaler for the purpose of acquiring an amount of roasted coffee equivalent to the aggregate weight value of the coffee stamps affixed thereto.

(b) When a retailer who is not and is not required to be a depositor surrenders a card for the purpose of authorizing a transfer of roasted coffee to

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 9710, 10380, 11071, 11072, 8 F.R. 28, 167, 566, 621, 978.

him, the name and address of such retailer and the name and address of the retailer or wholesaler to whom the card is being surrendered shall be written on the face or back of the card by the retailer surrendering the card. Before a card may be surrendered for the purpose of deposit, the person surrendering the card shall, if he affixed the stamps to the card, endorse it by writing his name and address on its face, or shall, if he received the card with stamps affixed, endorse it by writing his name on its back.

(c) Coffee stamps affixed to a card shall have no greater period of validity and no greater value than coffee stamps not so affixed.

* * * * *

§ 1407.1026 *Exchange of certificates.* Any person who is not and is not required to be a depositor may surrender to the board a valid certificate or valid certificates which he is entitled to use to acquire roasted coffee and obtain a certificate or certificates in different denominations in exchange therefor. The board shall issue a certificate or certificates to such person, dated as of the date of their issuance, in such reasonable denominations as he may require, but in no event shall the aggregate weight value of the newly-issued certificate or certificates exceed the weight value of the surrendered certificate or certificates.

§ 1407.1032 *Use of checks by depositors and non-depositors.* Notwithstanding anything to the contrary contained in Ration Order No. 12:

(a) No depositor and, on and after February 8, 1943, no person required to be a depositor, shall, except in accordance with General Ration Order No. 3A, surrender evidences which are valid for deposit.

(b) Whenever Ration Order No. 12 requires or authorizes the surrender of coffee stamps or certificates to a person, other than a bank for deposit, and such stamps or certificates are valid for deposit, a depositor shall not surrender such stamps or certificates, but shall instead, under the same circumstances and with the same effect, issue to such person a check, valid for deposit, in weight value equal to such stamps or certificates.

(c) Whenever Ration Order No. 12 authorizes the transfer of roasted coffee upon the surrender of coffee stamps or certificates, such transfer may be made to a depositor only upon receipt, by the person making the transfer, of a check, valid for deposit, issued to him by the depositor and equal in weight value to such coffee stamps or certificates.

(d) A person to whom a check is issued who is not and is not required to be a depositor must endorse the check and surrender it to the board. He will receive in exchange a certificate of the same weight value minus the weight value of any stamps or certificates which he is required to surrender to the board for cancellation.

(e) A depositor who has received coffee stamps, certificates, or checks from a retailer, wholesaler, or institutional user may issue to him a check in weight value equal to the roasted coffee which he has

not transferred against such coffee stamps, certificates, or checks, but which he is then authorized to transfer to such retailer, wholesaler, or institutional user against such coffee stamps, certificates, or checks.

(f) A depositor who has received coffee stamps, certificates, or checks as authorization for the transfer of roasted coffee by him may not, except as provided in paragraph (e) of this section, issue a check against any part of the credit created by their deposit except to the extent that he has transferred roasted coffee against them.

(g) Whenever Ration Order No. 12 refers to the transfer or acquisition of roasted coffee (including the replenishment of inventory), upon or without the receipt or surrender of coffee stamps or certificates, the issuance of checks shall be deemed to be included in such reference, unless the context shall otherwise require.

Transfer and Acquisition of Green Coffee

§ 1407.1042 *Disposition of purchase warrants, certain certificates, and ration credits by roasters.* (a) Every retailer or wholesaler who roasts green coffee shall retain in his possession, until further order by the Office of Price Administration, all certificates which, on or prior to January 27, 1943, cease to authorize the acquisition of roasted coffee, and purchase warrants surrendered to him, for coffee roasted by him and transferred by him. In February 1943 each such retailer and wholesaler shall forward to the Office of Price Administration, Washington, D. C., together with the report required to be made by him by § 1407.1071 (b), (1) a statement specifying the number of pounds of roasted coffee roasted by him that he has transferred against the certificates and purchase warrants so retained by him, and (2) a check in a weight value which, when added to the weight value of the certificates and purchase warrants retained by him pursuant to this section, shall be equal to 84 per cent of the weight of the green coffee roasted by him and transferred by him between November 22, 1942, and January 31, 1943, inclusive. In every month subsequent to February 1943 each such retailer and wholesaler shall forward to the Office of Price Administration, Washington, D. C., together with the report required to be made by him by § 1407.1071 (b), a check equal in weight value to 84 per cent of the weight of the green coffee roasted by him and transferred by him during the month for which such report is made.

* * * * *

(c) When the ration credits in the account of a person are insufficient to permit him to issue a check in the weight value required by this section, such person shall instead issue to the Office of Price Administration, Washington, D. C., a check in weight value equal to the then balance of ration credits in his account less the weight value of all checks then outstanding against his account, and accompany such check with a reconciliation statement stating the reasons why

the ration credits in his account are insufficient.

(d) If a person issues a check to the Office of Price Administration pursuant to paragraph (c) of this section, he shall, within three months thereafter, issue to the Office of Price Administration, Washington, D. C., a check equal in weight value to the difference in weight value between the check he was required to issue pursuant to paragraph (a) or (b) of this section, and the check he actually issued: *Provided, however,* That no such additional check need be issued on account of any deficiency in the weight value of a check due to the surrender or issuance of evidences to the board pursuant to § 1407.985.

Transfers Permitted Without the Surrender of Coffee Stamps, Certificates, or Purchase Warrants, and Irrespective of Restrictions on the Acquisition of Green Coffee

§ 1407.1052 *Transfer of coffee for carriage.* * * *

(c) Nothing in this section shall be deemed to relieve any person who delivers roasted coffee to a carrier from the obligation to receive evidences from the consignee or other person to whom a transfer is made as a result of such delivery or from any other obligation imposed by Ration Order No. 12.

§ 1407.1053 *Transfer of coffee for storage.* * * *

(c) Nothing in this section shall be deemed to relieve any person who delivers roasted coffee for storage from the obligation to receive evidences from any person other than the warehouseman to whom such roasted coffee is transferred or from any other obligation imposed by Ration Order No. 12.

Reports and Records

§ 1407.1071 *By persons transferring or acquiring green coffee.* * * *

(b) Every person other than the Army, Navy, Marine Corps, and Coast Guard, and Commodity Credit Corporation, who transfers or acquires green coffee shall monthly, beginning in January 1943, prepare a report in triplicate, showing, with respect to the previous month, (1) the names and addresses of the persons to whom green coffee was transferred and from whom green coffee was acquired together with the dates and amounts of such transfers and acquisitions, and (2) his inventory of green and roasted coffee as of the first day of the month in which the report is prepared. Every person who roasts coffee shall, in addition, include in such report a statement of the weight value of all coffee stamps, certificates, checks, and purchase warrants received by him and against which he transferred, during the preceding month, roasted coffee which was roasted by him. * * *

§ 1407.1072 *Miscellaneous records.* Any person required to make a report pursuant to §§ 1407.1056 or 1407.1058 shall preserve at his principal business office records of all coffee acquired or transferred by him pursuant to those sections, the persons by or to whom such transfers were made and the amounts thereof, the weight value of all coffee

stamps, certificates, and checks received by him for such transfers, the serial numbers of such certificates, and the amount of roasted coffee transferred against such coffee stamps, certificates, and checks.

Effective Date

§ 1407.1090a *Effective dates of amendments.* * * *

(1) Amendment No. 12 (§§ 1407.952 (w) and (y) to (ff), inclusive; 1407.956; 1407.992; 1407.1020 (b) and (d); 1407.1023; 1407.1026; 1407.1032; 1407.1042 (a), (c), and (d); 1407.1052 (c); 1407.1053 (c); 1407.1071 (b); 1407.1072; 1407.1090a (1)) to Ration Order No. 12 shall become effective January 27, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1455; Filed, January 27, 1943;
4:07 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3¹, Amendment 38]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraphs (24) through (30), inclusive, are added to paragraph (c) of § 1407.21; four §§ 1407.109a, 1407.120, 1407.140, and 1407.260 are added; subparagraph (22) of paragraph (c) of § 1407.21, paragraphs (b) and (c) of § 1407.141, paragraph (b) of § 1407.142, § 1407.121, and § 1407.265a are amended; in paragraph (a) of § 1407.265 the date "January 26, 1943" is deleted and the date "February 8, 1943" is substituted therefor and §§ 1407.262 through 1407.265, inclusive, and §§ 1407.266 through 1407.273, inclusive, are revoked subject to the provisions of § 1407.260; as set forth below:

Definitions

§ 1407.21 *Meaning of terms used in Rationing Order No. 3.* * * *

(c) *Definitions.* * * *

(22) "Weight value" means the amount of sugar authorized to be delivered by a stamp, certificate or check.

(24) "Account" means a sugar ration bank account carried by a bank, in which the bank keeps a record of deposits of stamps, certificates and checks and of transfers of sugar ration credits.

(25) "Bank" means a bank or bank branch which participates in ration banking by opening an account in accordance with General Ration Order

No. 3.

(26) "Check" means a sugar ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

(27) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts.

(28) "District Office" means the District Office of the Office of Price Administration having jurisdiction over the area in which the bank carrying the account for a depositor is located or, if there is no such District Office, the State Office of the Office of Price Administration having jurisdiction over that area.

(29) "Issue", when used with respect to a check, means the delivery of a completed check to the person to whose account the check is made payable.

(30) "Ration credits" means the credits in an account reflecting deposits of stamps, certificate or checks.

Retailers and Wholesalers

§ 1407.109a *Ration banking by retailers and wholesalers.* (a) Each owner of a registering unit which includes or is composed of one or more wholesale establishments, more than one retail establishment or a single retail establishment whose gross sales of all meats, groceries, fruits, vegetables and similar products were \$5,000 or more during December, 1942, shall open at least one account for all the component establishments of such registering unit.

(b) The owner of any other registering unit composed of only one retail establishment may open an account for that registering unit.

(c) The owner of a registering unit described in paragraph (a) of this section may, at his option, open a separate account for each establishment, or for any group of establishments, in such registering unit.

(d) Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with General Ration Order No. 3A.

(e) An owner of a registering unit may transfer ration credits from one account to another by the issuance of a check without the delivery of sugar, if these accounts are carried for establishments in the same registering unit.

Primary Distributors

§ 1407.120 *Ration banking by primary distributors.* (a) On or before February 8, 1943, each primary distributor shall open at least one account for all his establishments, other than institutional or industrial user establishments. If the primary distributor has more than one establishment he may, at his option, open a separate account for each establishment or group of establishments. Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with General Ration Order No.

3A.* The primary distributor shall notify the Washington Office of the Office of Price Administration of the opening of such account or accounts and the name and address of the establishment or establishments to be served by each such account. If a person becomes a primary distributor on or after February 8, 1943, he shall, within one week thereafter, open such account or accounts and shall notify the Washington Office of the Office of Price Administration of the opening of such account or accounts, and the name and address of each establishment to be served by each such account.

(b) Each primary distributor shall deposit all stamps and certificates received by him within the periods specified in § 1407.141, and each check issued to him within twenty (20) days of the date appearing on its face. Stamps numbered one (1) through nine (9) and certificates received by him in accordance with Rationing Order No. 3, prior to February 8, 1943, which are dated before December 10, 1942, and which bear no endorsement later than January 9, 1943, may not be deposited, but shall be sent by the primary distributor to the State Director in the state in which the principal office of such primary distributor is located.

(c) A primary distributor may issue checks against ration credits in his account only as provided in paragraph (e) of § 1407.140.

§ 1407.121 *Deliveries by primary distributors.* Except as is otherwise provided herein, a primary distributor may deliver sugar to persons not primary distributors, on and after April 28, 1942, only upon receipt of stamps or certificates in the manner set forth in Rationing Order No. 3.

Sugar Purchase Certificates, War Ration Books, War Ration Stamps and Sugar Ration Checks

§ 1407.140 *Use of checks by depositors and non-depositors.* Notwithstanding anything to the contrary contained in Rationing Order No. 3:

(a) No depositor, and, on and after February 8, 1943, no person required to be a depositor, shall, except in accordance with General Ration Order No. 3A, surrender or transfer Stamps or Certificates which are valid for deposit.

(b) Whenever Rationing Order No. 3 requires or authorizes the surrender or transfer of stamps or certificates to a person, other than a bank for deposit, and such stamps or certificates are valid for deposit, a depositor shall not surrender or transfer such Stamps or Certificates but shall instead, under the same circumstances and with the same effect, issue to such person a check, valid for deposit, in weight value equal to such stamps or certificates.

(c) Whenever Rationing Order No. 3 authorizes the delivery of sugar upon the surrender or transfer of stamps or certificates, such delivery may be made to a depositor only upon receipt, by the person making the delivery, of a check valid for deposit, issued to him by the depositor.

* 8 F.R. 1130.

*Copies may be obtained from the Office of Price Administration.

7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556, 10845, 8 F.R. 166, 262, 445, 620, 1028.

tor and equal in weight value to such stamps or certificates.

(d) A person to whom a check is issued and who neither is nor is required to be a depositor must endorse the check and surrender it to the Board. He will receive in exchange a certificate of the same weight value minus the weight value of any stamp or certificate which he is required to surrender to the Board for cancellation.

(e) A depositor who has received stamps, certificates or checks from a registering unit may issue to it a check in weight value equal to the sugar which he has not delivered against such stamps, certificates or checks, but which he is then authorized to deliver to such registering unit against such stamps, certificates or checks.

(f) A depositor who has received stamps, certificates or checks as authorization for the delivery of sugar by him may not, except as provided in paragraph (e), issue a check against any part of the credit created by their deposit except to the extent that he has delivered sugar against them.

(g) Whenever Rationing Order No. 3 refers to the delivery or acquisition of sugar (including the replenishment of inventory), upon or without the receipt or surrender of stamps or certificates, the issuance of checks shall be deemed to be included in such reference, unless the context shall otherwise require.

§ 1407.141 *Nature and validity of certificates and stamps.* * * *

(b) Each stamp authorizes delivery of sugar to a consumer only during the ration period assigned to such stamp in § 1407.243. A stamp received in accordance with Rationing Order No. 3 by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar, in an amount equal to the weight value of the stamp within twenty (20) days from the close of the ration period assigned to the stamp if it is surrendered to another registering unit or a primary distributor within ten (10) days after the close of such ration period. A stamp surrendered to a depositor shall be valid for deposit in the account of such depositor for a period of twenty (20) days after the close of the ration period assigned to such stamp, and except as provided in paragraph (f) of § 1407.140, he may issue checks at any time, against credits created by the deposit of a stamp. Stamps numbered one (1) through nine (9) shall not be valid for deposit.

(c) A certificate authorizes the person to whom it is issued, if he is not a depositor nor required to be one, to take delivery of sugar within sixty (60) days from the valid date of the certificate. A certificate duly transferred by endorsement to a registering unit that is neither a depositor nor required to be one, authorizes the delivery of sugar to such registering unit within eighty (80) days from the valid date of the certificate. A certificate duly transferred or issued to a depositor shall be valid for deposit in the account of such depositor for a period of eighty (80) days from the valid date of the certificate. A certificate issued

before January 27, 1943, which is duly transferred to a registering unit by endorsement authorizes the delivery of sugar and may be deposited within sixty (60) days from the valid date of the certificate or within thirty (30) days from the date contained in the endorsement to such registering unit, whichever is later. A depositor may, except as provided in paragraph (f) of § 1407.140, issue checks at any time, against credits created by the deposit of a certificate. Certificates which before January 27, 1943, ceased to authorize the delivery of sugar shall not be valid for deposit.

§ 1407.142 *Surrender of certificates and stamps.* * * *

(b) A registering unit or primary distributor to which Stamps are surrendered by a consumer must paste the Stamps on OPA Form No. R-304 (War Ration Stamp Card), or upon a similar card; only stamps bearing the same number may be affixed to the card. When a registering unit surrenders a card for the purpose of authorizing a delivery of sugar to it, the name and address of the registering unit surrendering the card and the name and address of the registering unit or primary distributor to whom the card is being surrendered shall be written on the face or back of the card by the one surrendering the card. Before a card may be surrendered for the purpose of deposit, the person surrendering the card shall, if he affixed the stamps to the card, endorse it by writing his name and address on its face or shall, if he received the card with stamps affixed, endorse it by writing his name on its back.

Sugar Ration Bank Accounts

§ 1407.260 *Termination of Temporary Ration Banking Plan.* (a) Sections 1407.262 through 1407.265, inclusive, and §§ 1407.266 through 1407.273, inclusive, (Temporary Ration Banking Plan), are revoked as of 12.01 a. m., February 9, 1943; and §§ 1407.261, 1407.265a, 1407.274 and 1407.275 shall remain in full force and effect: *Provided*, That between January 27, 1943, and February 8, 1943, inclusive, the definitions contained in § 1407.261 shall apply only to this section and §§ 1407.261 through 1407.275, inclusive, and after February 8, 1943, shall apply only to this section and to §§ 1407.261, 1407.265a, 1407.274 and 1407.275: *And provided further*, That on and after January 27, 1943, no person may open an account pursuant to §§ 1407.261 through 1407.275, inclusive (Temporary Ration Banking Plan) and any person who opened an account pursuant to such sections before January 27, 1943, must close it on or before February 8, 1943. Vouchers may be drawn on an account maintained under §§ 1407.261 through 1407.275, inclusive, until the depositor closes such account, but in no event later than February 8, 1943. Such a voucher may be deposited only within fifteen (15) days of the date appearing on its face and only in an account maintained at a listed bank, pursuant either to §§ 1407.261 through 1407.275, inclusive, or to General Ration Order

3A, by the person to whom the voucher is issued.

(b) A person closing a temporary account as provided in paragraph (a) and opening a new account in the same bank shall do so by returning to the bank all his unused vouchers, requesting the bank to close the temporary account and opening his new account, at the same time, in the manner prescribed by General Ration Order No. 3A. The bank will credit the new account with any ration credits in the temporary account. Vouchers drawn by such person on the temporary account before it is closed and received by the bank after the new account is opened will be charged to the new account.

(c) A person closing a temporary account as provided in paragraph (a) without opening a new account in the same bank shall do so in the manner provided in § 1407.265a.

§ 1407.265a *Closing accounts.* A person closing a temporary account without opening a new account in the same bank shall do so by issuing to a Listed Board a voucher payable to the Board in an amount equal to any balance on hand in the temporary account to be closed, less the total amount of all vouchers outstanding. The Board shall, in exchange for the voucher issued to it, give the person who issued the voucher a certificate in an amount equal to the face amount of the voucher. The Board shall then write the word "closing" on the reverse side of the voucher, shall endorse it and shall send it to the drawee bank. After issuing such a voucher to a Board, a depositor may neither make a deposit in, nor draw a voucher on, the discontinued account, and must return to the bank all of his unused vouchers. The drawee bank will debit the voucher received from the Board to the account on which it is drawn and will close the account if no balance remains after the voucher has been debited. If a balance remains, the bank will debit to such account only vouchers which bear the same date as, or an earlier date than, the voucher received from the Board; and will close the account whenever no balance remains. If a balance remains in the account twenty (20) days after the bank has received the voucher from the Board, the bank shall close the account and notify the depositor, in writing, of the unused credit. The depositor may secure a certificate in the amount of the unused credit from a Listed Board in exchange for the written notification from the bank. The Board shall return the notification to the bank which wrote it. If the person closing the account has no balance on deposit in the account, he may close it by returning all his unused vouchers to the bank and requesting the bank, in writing, to close the account.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(mm) Amendment No. 38 (§§ 1407.21 (c); 1407.109a; 1407.120; 1407.121; 1407.140; 1407.141 (b) and (c); 1407.142 (b); 1407.260; 1407.265 (a); 1407.265a) shall become effective January 27, 1943.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1452; Filed, January 27, 1943;
4:07 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter F—Marine Engineering

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

PART 57—SUPPLEMENTARY DATA AND REQUIREMENTS

By virtue of the authority vested in me by R.S. 4405, 4417a, 4418, 4426, 4433, 4479, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 375, 391a, 392, 404, 411, 472, 481, 489, 367, 463a), and Executive Order 9083 (7 F.R. 1609), the following amendments to the Inspection and Navigation Regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Sections 57.21-21 and 57.21-22 are amended to read as follows:

§ 57.21-21 Detail requirements. Longitudinal joints may be of the lap type for material not exceeding $\frac{1}{8}$ inch and for heavier material the double butt strap joint shall be used. The width of the overlap in a lap joint shall be at least equal to 8 times the thickness of the plate and an aggregate of 16 times the thickness in the double butt strap construction, one-half on each side of the abutting plate edges. The laps or straps shall be held closely in position, metal to metal, by stitch riveting or other efficient means. The brazing material used shall be such as to produce a shearing strength in the joint of at least 10,000 psi.

§ 57.21-22 Head joints. Heads shall be fitted into the shells with a light driving fit, the overlap being at least equal to 4 times the thickness of the shell plate.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.6 (s) is amended to read as follows:

§ 153.6 Additional equipment for lifeboats on ocean and coastwise vessels.

(s) **Fishing kit.** On every ocean vessel of over 3,000 gross tons there shall be provided in each lifeboat one approved fishing kit consisting of the following equipment:

- 1 pair, gloves, cotton, commercial grade.
- 1 knife, 2 in. high carbon steel blade, thickness of blade 0.080 in., tempered to test .56 to .60, well riveted into a wooden handle 6 in. long, $\frac{3}{4}$ in. wide by $\frac{1}{2}$ in. in thickness. Handle to be smooth and shaped, with a $\frac{1}{4}$ in. hole in end for attaching 3 ft. of 10-pound cord. Knife must be able to float.

Blade to be guarded with a water-proofed paper tube $5\frac{1}{4}$ in. long by $\frac{5}{8}$ in. inside diameter.

- 1 package containing the following items:
 - 1 sinker, egg-shaped, with $7/64$ in. hole in center, weight 2 ounces, with 3 ft. of 10-pound cord attached to wooden handle containing the abrasive stone.

1 dozen pork rinds, dehydrated strips 4 in. long, $\frac{1}{2}$ in. wide, ends tapered to approximately $\frac{1}{8}$ in. and rounded, one end to have two hook-holds cut $\frac{3}{8}$ in. and $\frac{1}{8}$ in. from end respectively.

1 #1/0 O'Shaughnessy hook, attached to 6 in. of #9 stainless steel wire, other end attached to a #5 barrel swivel.

1 #3/0 O'Shaughnessy hook attached to 6 in. of #9 stainless steel wire, other end attached to a #5 barrel swivel.

1 #7/0 O'Shaughnessy hook attached to 6 in. of #9 stainless steel wire, other end attached to a #2 barrel swivel.

1 #2 O'Shaughnessy hook attached to 6 in. of #5 stainless steel wire, other end attached to a #5 barrel swivel.

1 #6 O'Shaughnessy hook equipped with 3 in. of #5 stainless steel wire, other end attached to a #5 barrel swivel.

1 abrasive stone, size $\frac{3}{4}$ in. x $1\frac{1}{2}$ in. x $\frac{1}{4}$ in., firmly cemented with waterproof cement into a wooden handle of sufficient size to make the unit buoyant. A $\frac{1}{4}$ -in. hole shall be in the end of the wooden handle, with 3 ft. of 10-pound cord attached.

NOTE: All of the hooks in this package shall be firmly attached to a piece of tapered cork, 1 in. x $\frac{3}{4}$ -in. diameter maximum and attached to the wooden handle containing the abrasive stone.

1 set of instructions shall be printed on PAR-A-PAR paper.

1 dip net, 12 in. deep by approximately 16 in. across the top and bottom when folded flat. Cotton mosquito netting mounted on 12 gauge galvanized market wire. Ends of wire to be securely fastened in a round wooden handle 4 in. long by 1 in. in diameter, tapered both ends. Over-all length of net folded not over 16 in., to be folded once to approximate packing length of 8 in.

3 ft. of 10-pound cord to be attached to the handle and the front end of net.

1 fishing rig #1, $\frac{1}{8}$ in. winder, pressed wood or equivalent, containing 100 ft. of Ashaway 15-pound nylon line or equivalent; 1 #6 O'Shaughnessy hook rigged with 3 in. #5 stainless steel wire and a #5 barrel swivel attached. A split buck shot mounted on line about 6 in. above hook.

1 fishing rig #2, $\frac{1}{8}$ in. winder, pressed wood or equivalent, with 100 ft. of #12 Ashaway white cotton shore line, or equivalent. Equipped with a stubbed mackerel squid jig mounted on a 1/0 O'Shaughnessy hook equipped with 6 in. of #5 stainless steel wire with a #5 barrel swivel attached. (NOTE: Hook on this line should be light colored.)

1 fishing rig #3, $\frac{1}{8}$ in. winder, pressed wood or equivalent, with 100 ft. of #24 Ashaway white shore line, or equivalent. Equipped with a 1-ounce feather jig with white rubber skirts, chrome plated head, rigged with a 3/0 O'Shaughnessy hook with 24 in. of #9 stainless wire leader and a #5 barrel swivel attached.

1 fishing rig #4, $\frac{1}{8}$ in. winder, pressed wood or equivalent, with 100 ft. of #24 Ashaway white cotton shore line, or equivalent; equipped with a #1/0 O'Shaughnessy hook on 5 in. #9 stainless steel wire with #5 barrel swivel attached. A 2-ounce egg-shaped lead sinker with a $7/64$ in. hole mounted on a line about 18 in. above hook with knot tied above and below lead.

1 fishing rig #5, $\frac{1}{8}$ in. winder, pressed wood or equivalent, with 100 ft. of #24 Ashaway white cotton shore line, or equivalent. Equipped with a #7/0 gang hook and a 1-ounce egg-shaped sinker, with $7/64$ in. hole. Mounted on the line so that this sinker lies directly under the hooks.

1 fishing rig #6, $\frac{1}{8}$ in. winder, pressed wood or equivalent, with 100 ft. #48 Ashaway white cotton shore line, or equivalent, equipped with 1 $\frac{1}{2}$ -ounce feather jig rigged with a 6/0 O'Shaughnessy hook on 2 ft. of #9 stainless steel wire and #2 barrel swivel.

1 fishing rig #7, $\frac{1}{8}$ in. winder, pressed wood or equivalent, with 100 ft. of #48 Ashaway white cotton shore line, or equivalent. Equipped with a specially constructed spear of approximately 7 in. over-all in length, special constructed barb on one end with an open eye on the other end, and a "U"-shaped attachment brazed to the side of the spear to accommodate blade of oar or paddle. This item should be constructed of a good grade of commercial steel, the barb to be rounded at the end and back to be concave; protected with a water-proofed paper tube to be $4\frac{3}{4}$ in. long and $\frac{1}{2}$ in. inside diameter.

1 bib, width across bottom 28 in., width from end of flap to end of flap, 36 in. Width across the top 30 in. Length from top of bib to bottom, 15 in. Bib shall contain 12 pockets in which each of the items shall be inserted. All of the edges shall be hemmed and double stitched. Fastened to the end of the left-hand flap shall be a rayon tape 18 in. long by $\frac{1}{8}$ in., securely sewn. Fastened to the right-hand flap shall be 2 rayon tapes, 18 in. long by $\frac{1}{8}$ in., securely sewn. $7\frac{1}{2}$ in. from each corner of the top of the bib shall be firmly sewn a rayon tape 24 in. long by $\frac{1}{8}$ in. The bib shall be made of olive drab cotton cloth, herring-bone twill, weight per square yard 8.5, minimum thread count per inch in warp 72, in filling 46; breaking strength in warp 125 pounds, in filling 85 pounds. The test to be made by 1 x 1 x 3 Grab Method.

All material shall be packed in a metal waterproof key opening can. A $\frac{3}{4}$ in. ring which shall hinge back flat shall be soldered on the bottom of the container.

NOTE: Each rig shall be marked with saw-cuts on both sides of winder for identification. All hooks and swivels to be attached with at least 6 turns of the wire. All lines attached to swivels with a surferman's hitch with three wraps. All fishing hooks to be bound to rigs with scotch tape. (Approximate weight of kit, packed, 3 $\frac{1}{2}$ pounds.)

The container shall bear the manufacturer's name or trademark, together with the following inscription:

—EMERGENCY FISHING KIT
OPEN ONLY FOR ACTUAL EMERGENCY USE

§ 153.7 Additional equipment for life rafts on ocean and coastwise vessels.

(j) **Fishing kit.** On every ocean vessel of over 3,000 gross tons there shall be provided in each life raft one approved fishing kit consisting of the following equipment:

(The number and kind of items are the same as contained in § 153.6 (s).)

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Safety Valves

Consolidated Type 1415-W welded safety valve (Dwg. No. S-6335, dated 2 December 1942) (Maximum temperature of 850° F.), manufactured by Consolidated Safety Valve Division, Manning, Maxwell & Moore, Inc., Bridgeport, Conn.

Davits

Schat low type sheath screw davit, Type S. S. L. 5, (Arrangement Dwg. No. C. A. 300, dated 27 May 1942) (Maximum working load of 2,500 pounds per arm), submitted by Marine Safety Devices, Inc., New York, N. Y.

Welin Crescent sheath screw davit, Type A-5W (Arrangement Dwg. No. 1904, Rev. 1 July 1942), (Maximum working load of 2,500 pounds per arm), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

Lifesaving Net

Salterini lifesaving net (Dwg. No. 503), manufactured by the John B. Salterini Co., New York, N. Y.

Bilge Pump for Lifeboats

1 1/4" semi-rotary oscillating hand pump (Dwg. No. 58-S-2, dated 21 November 1942), manufactured by F. E. Myers & Bro. Co., Ashland, Ohio.

Fire Extinguisher

Commander 2 1/2 gallon pump tank extinguisher. (Arrangement Dwg. No. 4M-1823, dated 18 April 1942), manufactured by American-La France-Foamite Corp., Elmira, N. Y. Approval limited to duration of emergency.

Emergency Fishing Kit

Emergency Fishing Kit No. 10, manufactured by Ashaway Line & Twine Co., Ashaway, R. I.

L. T. CHALKER,
Acting Commandant.

JANUARY 27, 1943.

[F. R. Doc. 43-1460; Filed, January 28, 1943; 10:27 a. m.]

Chapter IV—War Shipping Administration

[General Order 21,¹ Supplement 1 (Revised 1-43)]

PART 306—GENERAL AGENTS AND AGENTS
SERVICE AGREEMENT FORM

Section 306.48 *Part II to Service Agreement (TCA)* is amended by striking out the entire section and inserting in lieu thereof the following:

§ 306.48 *Part II to Service Agreement (TCA)*. Vessels of which the United States of America, by and through its governmental agencies or departments other than the War Shipping Administration, is owner or owner pro hac vice, are from time to time released to the War Shipping Administration so that the latter may conduct the business of booking, loading and discharging cargo. Such vessels will be assigned to agents under the "Service Agreement for Vessels Time Chartered From Others by the War Shipping Administration" (TCA-4/4/42 as set forth in G. O. 21) (§ 306.45) modified by "Part II" to said agreement as follows:

¹ 7 F.R. 8240.

PART II
toSERVICE AGREEMENT FOR VESSELS TIME CHARTERED
FROM OTHERS BY THE WAR SHIPPING ADMINISTRATION

(Provisions Relating to Vessels of Which the United States of America, By and Through Its Agencies or Departments Other Than The War Shipping Administration, Is Owner Or Owner Pro Hac Vice Which are Released to the War Shipping Administration.)

Whereas, the United States of America (herein called the "United States") acting by and through the Administrator, War Shipping Administration, and ----- (herein called the "Agent") entered into an Agreement (Contract WSA -----) dated ----- (herein called the "Service Agreement") whereby the United States appointed the Agent as its agent to conduct the business of vessels time chartered by the United States and assigned to it by the United States from time to time, and

Whereas, the Army, the Navy, and other departments and agencies of the United States release to the War Shipping Administration, from time to time, vessels of which the United States (through such departments or agencies) is the owner or owner pro hac vice, under an arrangement whereby the War Shipping Administration is responsible for the booking and/or loading and/or discharging activities in connection with such vessels for certain voyages; and

Whereas, it is desirable to have both the vessels which are released to the War Shipping Administration by other departments or agencies of the United States as well as vessels which are time chartered by the War Shipping Administration, subject to the uniform provisions of one agreement;

Now, therefore:

In consideration of the reciprocal covenants and agreements contained in the Service Agreement, it being understood that nothing herein contained shall alter the terms of the Service Agreement (TCA 4/4/42) in respect of vessels time chartered from others by the War Shipping Administration, it is hereby agreed that, as to vessels heretofore or hereafter released by the Army, the Navy or some other agency or department of the United States Government to the War Shipping Administration and, in turn, assigned to the Agent under the Service Agreement, the parties hereto shall be governed by the provisions of the said Service Agreement modified as follows:

Section 1. Article 1 of the Service Agreement shall be considered altered and amended to read as follows:

"The United States appoints the Agent as its agent and not as an independent contractor, to conduct the business of vessels of which the United States, acting by and through any of its departments or agencies other than the War Shipping Administration, is owner or owner pro hac vice and which are released, allocated or assigned to the War Shipping Administration and, in turn, assigned to the Agent under the terms of this Service Agreement."

Section 2. Article 3A (a) of the Service Agreement shall be considered altered and amended to read as follows:

"Perform all of the customary duties of an agent for the booking of cargo and all loading and discharging activities in connection with the vessels subject to this Agreement, subject to the orders of the United States as to voyages, cargoes, priorities of cargoes, charters, rates of freight and other charges and as to all matters connected with the use

of the vessels; or in the absence of such orders, the Agent shall follow reasonable commercial practice";

Section 3. Article 3A (c) of the Service Agreement shall be considered altered and amended as follows:

In the first line the words "fuel, fresh water" shall be deleted. In the sixth line the words "time charterer of" shall be deleted and the words "carrier of the cargo in" shall be inserted in place of the deletion. In line 9 the words "and supplying fuel" shall be deleted.

Section 4. Article 3A (d) shall be considered altered and amended so as to read as follows:

"Issue or cause to be issued to shippers customary freight contracts and bills of lading in the form prescribed by the United States, and prepare manifests and other cargo documents."

Section 5. Article 9 of the Service Agreement shall be considered altered and amended as follows:

The last sentence shall be deleted.

Section 6. Article 10 of the Service Agreement shall be considered altered and amended so as to read as follows:

"The negotiation and settlement of all salvage claims for services rendered by vessels shall be controlled by the United States. The Agent shall furnish the United States with full reports and information on all salvage services rendered."

In witness whereof, the parties hereto have executed this Part II to the Service Agreement in triplicate this ----- day of -----, 19-----.

UNITED STATES OF AMERICA,
By: E. S. LAND, Administrator,
War Shipping Administration.

By: -----
For the Administrator

By: -----

[CORPORATE SEAL]

Attest:

Secretary.

Approved as to form:

Assistant General Counsel,
War Shipping Administration.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

JANUARY 26, 1943.

[F. R. Doc. 43-1463; Filed, January 28, 1943; 11:15 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-64]

LEFT FORK FUEL CO., INC.

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

In the matter of Left Fork Fuel Company, Incorporated, code member, defendant.

A written complaint dated October 2, 1941, having been filed on October 7,

1941, by the Bituminous Coal Producers Board for District No. 8, complainant, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Left Fork Fuel Company, Incorporated, a corporation, East Lynn, West Virginia, in the Bituminous Coal Code and the rules and regulations promulgated thereunder; and

Left Fork Fuel Company, Incorporated, having filed with the Bituminous Coal Division (the "Division") on January 15, 1943, its application for restoration of its code membership to become effective simultaneously with the effective date of the Order entered in Docket No. B-64, issued January 7, 1943, revoking and cancelling the code membership of said Left Fork Fuel Company, Incorporated, in the Code to become effective fifteen (15) days from the date of said Order; and

It appearing from said application and other information in the possession of the Division, that said Left Fork Fuel Company, Incorporated, paid to the Deputy Collector of the Internal Revenue at Huntington, West Virginia, on January 14, 1943, the sum of \$403.65, pursuant to said Order issued January 7, 1943, in the above-entitled matter, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application Left Fork Fuel Company, Incorporated, filed with the Division on January 15, 1943, for restoration of its code membership, be, and the same hereby is granted.

It is further ordered, That said restoration of the code membership of Left Fork Fuel Company, Incorporated, be, and the same hereby is effective January 22, 1943.

Dated: January 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1478; Filed, January 28, 1943;
12:18 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

AMENDMENTS OF LEARNER REGULATIONS AND DETERMINATIONS APPLICABLE TO VARIOUS INDUSTRIES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of amendments of learner regulations and determinations applicable to the hosiery industry, women's apparel industry, single pants, shirts, and allied garments industry, sportswear and other odd outerwear divisions of the apparel industry, belts division of the apparel industry, textile industry, knitted and men's woven underwear and commercial knitting industry, knitted outerwear industry and gloves and mittens industry.

Whereas a hearing was held on October 26 and 27, 1942, to consider amendments of learner regulations and determinations applicable to the hosiery industry, women's apparel industry, single pants, shirts and allied garments industry, sportswear and other odd outer-

wear divisions of the apparel industry, belts division of the apparel industry, textile industry, knitted and men's woven underwear and commercial knitting industry, knitted outerwear industry and gloves and mittens industry, and

Whereas the presiding officer, Merle D. Vincent has found that data were presented at that hearing which showed the need in the above industries for provision within the regulations for abnormal labor turnover which is occurring in certain localities, and for a change in the subminimum wage rate at which learners are to be employed, and recommended that the learner regulations and determinations applicable to the aforementioned industries be amended in the particulars that they are inconsistent with the following provisions to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers provided that it is satisfactorily shown that:

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issue of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issue of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

2. The subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents per hour.

3. The effective period for special learner certificates for labor turnover shall not exceed six months.

4. Authorization to employ a number or percentage of learners for labor turnover in excess of that provided in industry regulations may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency.

Now, therefore, notice is hereby given all interested parties of an opportunity to show cause why the said recommendations of Merle D. Vincent shall not be adopted. Objections, statements and briefs will be received, considered and examined by the Administrator of the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, 165 West 46th Street, New York, New York, if filed with him on or before February 15, 1943.

Signed at New York, New York, this 27th day of January 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-1464; Filed, January 28, 1943;
11:34 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4733]

VITAMIN PRODUCTS CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1943.

In the matter of Royal Lee, an individual, trading under the name of Vitamin Products Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, April 7, 1943, at ten o'clock in the forenoon of that day (central standard time) in the Office of the Postmaster, Post Office Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1461; Filed, January 28, 1943;
11:02 a. m.]

[Docket No. 4890]

WASHINGTON INSTITUTE, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, March 16, 1943, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 526, New Court House, Portland, Oregon.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immedi-

ately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1462; Filed, January 28, 1943;
11:02 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 341]

COLLECTORS GALLERIES, INC.

Re: All of the capital stock of Collectors Galleries, Inc., and certain indebtedness owing by it.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the outstanding capital stock of Collectors Galleries, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 1,000 shares of no par value capital stock, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name and last known address:	Number of shares
Delfino Cinelli, Signa, Italy.....	504
Raffaello Cinelli, Signa, Italy.....	142
Gioconda Rousseau, Signa, Italy.....	59
Nella Burgisse, Signa, Italy.....	59
Lina Cinelli, Signa, Italy.....	59
Giuliana Cinelli, Signa, Italy.....	59
Francesca Cinelli, Signa, Italy.....	59
Gioconda Cinelli, Signa, Italy.....	59
Total.....	1,000

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Italy); and

(b) That the property described as follows: All right, title, interest and claim of Delfino Cinelli, Signa, Italy, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by Collectors Galleries, Inc., 250 West Fifty-seventh Street, New York, New York, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly the loan account carried on the books of the aforesaid Collectors Galleries, Inc., in the name of Delfino Cinelli,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Italy);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determination and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it neces-

sary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 6, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1467; Filed, January 28, 1943;
11:41 a. m.]

[Vesting Order 477]

RIBERENA FUEL & CHARTERING CO., INC.

Re: All of the capital stock of Ribereña Fuel & Chartering Company, Inc., and certain indebtedness owing by it.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the capital stock of Ribereña Fuel & Chartering Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 100 shares of no par value common capital stock, registered in the names of the following persons:

Name:	Number of shares
J. R. Routh.....	1
J. S. Routh.....	1
William B. Devoe.....	98
Total.....	100

is owned by or held for the benefit of Deutsches Kohlen Depot, G. m. b. H., whose last known address was represented to the undersigned as being Hamburg, Germany, and therefore is property of and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of "Ribereña del Plata" Sudamericana de Comercio, S. A., Buenos Aires, Argentina, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by said Ribereña Fuel & Chartering Company, Inc., including but not limited to all security rights in and to any and all collateral for any and all of such indebtedness and the right to sue for and collect such indebtedness,

is property of said "Ribereña del Plata" Sudamericana de Comercio, S. A., which is presently on the Proclaimed List of Certain Blocked Nationals promulgated pursuant to Proclamation 2497 of the President of the United States of America of July 17, 1941, and which is acting or purporting to act directly or indirectly for the benefit of or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country, and that therefore such property is an interest in the aforesaid business enterprise held by a national of an enemy country and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1468; Filed, January 28, 1943;
11:41 a. m.]

[Vesting Order 478]

UCHIDA INVESTMENT COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order Number 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that W. Kitagawa, whose last known address was represented to the undersigned as being Japan, is a national of a designated enemy country (Japan);

2. Finding that W. Kitagawa is the owner of 497 shares of \$10 par value capital stock of Uchida Investment Company, a California corporation, Venice, California, which is a business enterprise within the United States and which shares constitute a substantial part (namely, 49.75%) of all outstanding capital stock of, and represent an interest in, said business enterprise;

3. Determining, therefore, that said business enterprise is a national of a designated enemy country, (Japan);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 497 shares of stock referred to in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 11, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1469; Filed, January 28, 1943;
11:41 a. m.]

[Vesting Order 495]

CORNER MOTT & HESTER STREETS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Giuseppe Molea, Jr., Vito Molea, the heirs or assigns of Giuseppe Molea, Sr. and the estate of Giuseppe Molea, Sr., deceased, whose last known addresses were represented to the undersigned as being Italy, are nationals of a designated enemy country (Italy);

2. Finding that said nationals are the owners of all of the outstanding capital stock of Corner Mott & Hester Streets, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States consisting of 160 shares of no par value stock registered as follows:

Name:	Number of shares
Giuseppe Molea, Jr.-----	50
Vito Molea-----	50
Giuseppe Molea, Sr., deceased-----	60
Total-----	160

3. Determining, therefore, that said business enterprise is a national of a designated enemy country (Italy);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Italy);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein

shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 12, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1470; Filed, January 28, 1943;
11:41 a. m.]

[Vesting Order 590]

JETTER & SCHEERER PRODUCTS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended and pursuant to law, the undersigned, after investigation:

1. Finding that Fritz Scheerer, whose last known address was represented to the undersigned as being Tuttlingen, Germany, is a national of a designated enemy country (Germany);

2. Finding that said national is the beneficial owner of all of the outstanding voting stock of Jetter & Scheerer Products, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 200 shares of \$100 par value common stock, registered as

Name:	Number of shares
Ernest S. Beck-----	198
Ernest Alfred Beck-----	1
Gustave Sues-----	1
Total-----	200

3. Finding that said 200 shares represent control of said business enterprise;

4. Determining, therefore, that said business enterprise is a national of a designated enemy country (Germany);

5. Finding that Aktiengesellschaft Fur Feinmechanik vormals Jetter and Scheerer, whose last known address was represented to the undersigned as being Tuttlingen, Germany, is a national of a designated enemy country (Germany);

6. Finding, therefore, that all right, title, interest and claim of any name or nature whatsoever of said Aktiengesellschaft Fur Feinmechanik vormals Jetter and Scheerer in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by said Jetter & Scheerer Products, Inc., including but not limited to all security rights in and to any and all collateral for any or all such indebtedness and the right to sue for and collect such indebtedness, is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Germany);

7. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 2 hereof and the property described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advis-

able from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 29, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1471; Filed, January 28, 1943;
11:43 a. m.]

[Vesting Order 601]

HUGO HEIERMANN, ET AL.

Re: Contract rights of Hugo Heiermann, Richard Hans and Seeger & Co., G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Hugo Heiermann, whose last known address is Frankfort-on-Main, Germany, and Richard Hans, whose last known address is Berlin-Neukoslin, Germany, are nationals of a foreign country (Germany);

2. Finding that Seeger & Co. G. m. b. H. is a corporation organized under the laws of Germany and is doing business at Frankfort-on-Main, Germany, and therefore is a national of a foreign country (Germany);

3. Finding that the aforesaid Hugo Heiermann, Richard Hans and Seeger & Co. G. m. b. H. have interests in the contract referred to in subparagraph 4 hereof;

4. Finding, therefore, that the property described as follows:

The interests of Hugo Heiermann, Richard Hans, and Seeger & Co. G. m. b. H., and each of them, in and to a contract dated August 6, 1938, by and between Hugo Heiermann as party of the first part and Ludwig Bluth and Richard Hans as parties of the second part, involving rights in and under U. S. Patent No. 1,758,515, together with all accrued royalties and other monies payable or held with respect to such interests,

is property payable or held with respect to a patent or right related thereto in which in-

terests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on January 6, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1472; Filed, January 28, 1943;
11:43 a. m.]

[Vesting Order 602]

CONTRACT RIGHTS OF ICHTHYOL-GESELLSCHAFT CORDES, HERMANNI & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Ichthyol-Gesellschaft Cordes, Hermann & Co. (hereinafter referred to as "The Gesellschaft") is a corporation organized under the laws of Germany and is doing business at Hamburg-Lockstedt, Germany, and therefore is a national of a foreign country (Germany);

2. Finding that The Gesellschaft has an interest in the agreement referred to in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

The interest of The Gesellschaft in and to a certain agreement by and between The Gesellschaft and the Ichthyol Co., dated January 2, 1923, relating to the manufacture and distribution of certain products designated by trade-marks assigned to the Ichthyol Co., as amended by agreement dated

February 28, 1936, between the same parties, together with all accrued royalties and other monies payable or held with respect to such interest,

is property payable or held with respect to trade-marks or rights related thereto in which an interest is held by, and such property itself constitutes an interest held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 6, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1473; Filed, January 28, 1943;
11:43 a. m.]

[Vesting Order 603]

CONTRACT RIGHTS OF MAX RUEPING

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Max Rueping, whose last known address is Munich, Germany, is a national of a foreign country (Germany);

2. Finding that said Max Rueping has an interest in the agreement referred to in subparagraph 3 hereof;

3. Finding therefore that the property described as follows:

The interest of Max Rueping in and to an agreement dated June 28, 1935, by and between Max Rueping and Oscar M. Bernuth, relating to the assignment of certain patents owned by Max Rueping to a corporation to be

formed under the laws of Delaware, in return for the transfer to Max Rueping of 1,000 shares of Class A stock to be issued by such corporation, together with all royalties and other monies payable or held with respect to such interest,

is property payable or held with respect to patents or rights related thereto in which an interest is held by, and such property is itself an interest held therein by, a national of a foreign country (Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 6, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1474; Filed January 28, 1943;
11:43 a. m.]

[Vesting Order 635]

FREDERICK PUSTET COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Marietta Schelosky, Elisabeth Erhard and Gertrud Pustet, whose last known addresses were represented to the undersigned as being Munich, Germany, Landl, County of Thiersee, Germany, and Regensburg, Germany, respectively, are nationals of a designated enemy country (Germany);

2. Finding that 1,520 shares of \$100 par value common stock of Frederick Pustet Company, Inc., a New York corporation, New York, New York, registered in the name of Karl Eberle-Birchler, Einsiedeln, Switzerland, are

beneficially owned by the aforesaid individuals in the following respective amounts:

Name:	Number of shares
Marietta Schelosky.....	507
Elisabeth Erhard.....	507
Gertrud Pustet.....	506
Total	1,520

3. Finding that said corporation is a business enterprise within the United States and that said 1,520 shares of stock constitute a substantial part (namely, 38%) of all the outstanding capital stock of said business enterprise and represent an interest therein;

4. Determining, therefore, that said business enterprise is a national of a designated enemy country (Germany);

5. Finding that the property described as follows:

All rights, title, interest and claim of any name or nature whatsoever of Marietta Schelosky, Elisabeth Erhard, and Gertrud Pustet, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them or any of them by said Frederick Pustet Company, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and collect such obligations,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 2 hereof and the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein con-

tained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 6, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1475; Filed, January 28, 1943;
11:44 a. m.]

[Vesting Order 640]

DRESDEN-LEIPZIGER SCHNELLPRESSENFABRIK
A. G., ET AL.

Re: Interests of German corporations in contracts relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Dresden-Leipziger Schellpressenfabrik A. G., Askania Werke A. G., and Chemische Fabrik Pforsee, G.m.b.H. are corporations organized under the laws of Germany and are doing business at Radebeul, Berlin and Augsburg, Germany, respectively, and therefore are nationals of a foreign country (Germany);

2. Finding therefore that the interests in contracts relating to patents, which are described in Exhibit A attached hereto and made a part hereof, are property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admis-

sion of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 6, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Interest in contracts relating to patents identified as follows:

a. Non-exclusive license of Dresden-Leipziger Schnellpressenfabrik A. G., its successors, representatives and assigns, under United States Letters Patent No. 1,838,624, issued December 29, 1931, inventor T. W. Horn, for Paper Feeder, granted by virtue of an agreement with Sanlin Sales Corporation and T. W. Horn dated September 6 and 9, 1938, and recorded in the United States Patent Office on September 26, 1938, at Liber M-176, page 196.

b. All right, title and interest of Askania-Werke A. G., in and to a contract dated July 5, 1939 with Askania Regulator Company signed by Askania Regulator Company on July 17, 1939 and by Askania-Werke A. G. on August 5, 1939, granting a license to Askania Regulator Company with respect to certain patents and applications therefor, together with all monies, credits, royalties, fees and other amounts due and payable with respect thereto.

c. All right, title and interest of Chemische Fabrik Pforsee, G. m. b. H., in and to a certain contract dated June 25, 1935, by and between it and Warwick Chemical Company, together with all monies, credits, royalties, fees and other amounts due and payable with respect thereto.

[F. R. Doc. 43-1476; Filed, January 28, 1943; 11:44 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under MPR 39]

PRYOR AND COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 2 under Maximum Price Regulation No. 39—Woven Decorative Fabrics—Docket No. 3039-15.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator and in accordance with § 1400.160 (b) of Maximum Price Regulation No. 39, *It is hereby ordered:*

Adjustment of maximum prices for the sale of certain constructions of woven decorative fabrics by Pryor & Company.

(a) On and after January 28, 1943, Pryor & Company may sell and deliver the following constructions of woven decorative fabrics at prices not in excess of the prices set forth below:

Name of fabric	Construction	Maximum price
Monk's cloth.....	2 x 2, 12 oz., 50".....	Per yard \$.39375
Monk's cloth.....	4 x 4, 14 oz., 50".....	\$.44625

No. 20—6

(b) Pryor & Company shall mail or cause to be mailed to all persons who purchase from it a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you as follows:

Name of fabric	Construction	Former maximum price	Adjusted maximum price
Monk's cloth....	2 x 2, 12 oz., 50".....	Per yard \$.36225	Per yard \$.39375
Monk's cloth....	4 x 4, 14 oz., 50".....	\$.40425	\$.44625

These increases allowed us represent only those parts of cost increases which we are unable to absorb and they were granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these woven decorative fabrics.

(c) Except for the adjusted maximum prices granted herein, all sales of the constructions of woven decorative fabrics set forth above shall be subject to the provisions of Maximum Price Regulation No. 39.

(d) All prayers of the petitioner not granted herein are denied.

(e) This Order No. 2 may be revoked or amended at any time by the Office of Price Administration.

(f) This Order No. 2 shall become effective January 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1444; Filed, January 27, 1943; 12:30 p. m.]

[Order 16 Under MPR 152]

QUAKER MAID COMPANY, INC.

ORDER DISMISSING PETITIONS FOR ADJUSTMENT

Order No. 16 under Maximum Price Regulation No. 152—Canned Vegetables.

Dismissal of petitions for adjustment of maximum prices filed by The Quaker Maid Company, Inc., 420 Lexington Avenue, New York, N. Y.

On September 16, 1942, The Quaker Maid Company, Inc. filed petitions pursuant to Procedural Regulation No. 6, issued by the Office of Price Administration, for specific authorization to adjust maximum prices established under Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by Applicant with respect to the packing in No. 10 size cans and 14 ounce glass bottles of tomato ketchup which Applicant proposes to sell to the Jersey City, New Jersey Quartermaster Depot of the United States Army.

For the reasons set forth in the opinion which accompanies this order and

under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and pursuant to Procedural Regulation No. 6, *It is hereby ordered, That:*

(a) The petitions of The Quaker Maid Company, Inc. for adjustment of its maximum prices for tomato ketchup packed in No. 10 size cans and 14 ounce glass bottles, as established under Maximum Price Regulation No. 152, be and are hereby dismissed.

(b) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 303 of the Emergency Price Control Act of 1942, as amended, shall apply to terms used herein.

(d) This order shall become effective on January 28, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1445; Filed, January 27, 1943; 12:29 p. m.]

[Order 1 Under MPR 185]

WASHINGTON PACKERS, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 1 under Maximum Price Regulation No. 185—Canned Fruits and Canned Berries.

Approval of maximum prices for Washington Packers, Inc., Sumner, Washington.

Washington Packers, Inc., has filed an application for specific authorization to charge a maximum price pursuant to § 1341.102 (e) of Maximum Price Regulation No. 185.

Due consideration has been given to the information submitted by applicant with respect to the packing of standard youngberries in No. 2 cans.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered, That:*

(a) Washington Packers, Inc., may sell, offer to sell or deliver and any person may buy, offer to buy or receive from Washington Packers, Inc., No. 2 cans of Standard Youngberries at a price no higher than the maximum price of \$1.77 per dozen, f. o. b. factory.

(b) The applicant, Washington Packers, Inc., shall report to purchasers the following base price, maximum price and permitted increase, per dozen, as required by § 1341.106 (a):

Base price	Maximum price	Permitted increase
\$1.41.....	\$1.77	\$.36

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) The Applicant, Washington Packers, shall not change its customary allowances, discounts, or other price differentials, including price differentials between different classes of purchasers unless such change results in a lower price.

(e) Unless the context otherwise requires, the definitions set forth in § 1341.110 of Maximum Price Regulation No. 185 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(f) This order shall become effective on January 28, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1437; Filed, January 27, 1943;
12:32 p. m.]

[Order 2 Under MPR 185]

BARRON-GRAY PACKING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 2 under Maximum Price Regulation No. 185—Canned Fruits and Canned Berries.

Approval of Maximum Price for Barron-Gray Packing Company, San Jose, California.

The applicant, Barron-Gray Packing Company, has filed an application for specific authorization of a maximum price for Fancy Diced Pears in heavy syrup in No. 10 cans, pursuant to § 1341.102, (e) of Maximum Price Regulation No. 185.

Due consideration has been given to the information submitted by the applicant with respect to the packing of Fancy Diced Pears in heavy syrup in No. 10 cans.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered, That:*

(a) The applicant, Barron-Gray Packing Company, may sell, offer to sell or deliver and any person may buy, offer to buy or receive from the applicant, Fancy Diced Pears in heavy syrup packed in No. 10 cans at a price no higher than the maximum price of \$10.25 per dozen, f. o. b. factory.

(b) The applicant shall report to purchasers the following base price, maximum price and permitted increase, per dozen, as required by § 1341.106 (a):

Base price	Maximum price	Permitted increase
\$8.56	\$10.25	\$1.69

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) The applicant shall not change its customary allowances, discounts or

price differentials, including price differentials between different classes of purchasers, unless such change results in a lower price.

(e) Unless the context otherwise requires, the definitions set forth in § 1341.110 of Maximum Price Regulation No. 185 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(f) This order shall become effective January 28, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1438; Filed, January 27, 1943;
12:28 p. m.]

[Order 3 Under MPR 185]

SALTER CANNING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 3 under Maximum Price Regulation No. 185—Canned Fruits and Canned Berries.

Approval of maximum prices for Salter Canning Company, North Rose, Wayne County, New York.

Size	Grade	Can count	Syrup	Base price	Maximum price	Permitted increase
2.....	Choice.....	11/13	15°	\$1.54	\$1.69	\$.15
2.....	Standard.....	7/15	15°	1.41	1.56	.15
2 1/4.....	Choice.....	11/14	20°	2.08	2.29	.21
2 1/4.....	Standard.....	8/17	15°	1.91	2.11	.20
10.....	Choice.....	40/50	20°	7.35	8.08	.73
10.....	Standard.....	40/70	15°	6.73	7.40	.67
2 1/2.....	Fancy.....	6/8	30°	2.58	2.84	.26
10.....	Fancy.....	22/30	30°	9.08	9.99	.91
10.....	Fancy.....	30/35	30°	8.73	9.60	.87
10.....	Fancy.....	35/40	30°	7.83	8.61	.78

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) The applicant shall not change its customary allowances, discounts or price differentials, including price differentials between different classes of purchasers, unless such change results in a lower price.

(d) Unless the context otherwise requires, the definitions set forth in § 1341.110 of Maximum Price Regulation No. 185 and section 302 of the Emergency Price Control Act of 1942, shall be applicable to the terms used herein.

(e) This order shall become effective January 28, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1439; Filed January 27, 1943;
12:29 p. m.]

[Order 4 Under MPR 185]

VISALIA CANNING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 4 under Maximum Price Regulation No. 185—Canned Fruits and Canned Berries.

Approval of maximum price for Visalia Canning Company, Visalia, California.

The applicant, Visalia Canning Company, has filed an application for spe-

The applicant, Salter Canning Company, has filed an application for specific authorization of maximum prices for various items of canned Bartlett Pears, pursuant to § 1341.102 (e) of Maximum Price Regulation No. 185.

Due consideration has been given to the information submitted by the applicant with respect to the packing of canned Bartlett Pears in the grades, counts, sizes and syrups in question.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered, That:*

(a) The applicant, Salter Canning Company, may sell, offer to sell or deliver and any person may buy, offer to buy or receive from the applicant, canned Bartlett Pears in the grades, counts, sizes and syrups listed in this paragraph at a price per dozen, f. o. b. factory, no higher than the maximum price listed in this paragraph and the applicant shall report to purchasers the base price, maximum price and permitted increase per dozen, listed in this paragraph, for each item, as required by § 1341.106 (a):

cific authorization for a maximum price for standard Kadota Figs packed in a No. 300 can, pursuant to § 1341.102 (e) of Maximum Price Regulation No. 185.

Due consideration has been given to the information submitted by the applicant with respect to the packing of Standard Kadota Figs in a No. 300 can.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered, That:*

(a) The applicant, Visalia Canning Company, may sell, offer to sell, or deliver and any person may buy, offer to buy or receive from the applicant, Standard Kadota Figs packed in a No. 300 can at a price no higher than the maximum price of \$1.05 per dozen, f. o. b. factory.

(b) The applicant shall report to purchasers the following base price, maximum price and permitted increase, per dozen, as required by § 1341.106 (a):

Base price	Maximum price	Permitted increase
\$.87	\$1.05	\$.18

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) The applicant shall not change its customary allowances, discounts, or other price differentials, including price differentials between different classes of purchasers unless such change results in a lower price.

(e) Unless the context otherwise requires, the definitions set forth in § 1341.110 of Maximum Price Regulation No. 185 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(f) This order shall become effective on January 28, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1440; Filed, January 27, 1943;
12:32 p. m.]

[Order 5 Under MPR 185]

PRATT-LOW PRESERVING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 5 under Maximum Price Regulation No. 185—Canned Fruits and Canned Berries.

Approval of maximum price for Pratt-Low Preserving Company, Santa Clara, Calif.

The applicant, Pratt-Low Preserving Company, has filed an application for specific authorization for a maximum price for Choice Kadota Figs packed in a No. 300 can, pursuant to § 1341.102 (e) of Maximum Price Regulation No. 185.

Due consideration has been given to the information submitted by the applicant with respect to the packing of Choice Kadota Figs in No. 300 cans.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered, That:*

(a) The applicant, Pratt-Low Preserving Company, may sell, offer to sell or deliver and any person may buy, offer to buy or receive from the applicant, Choice Kadota Figs packed in a No. 300 can at a price no higher than the maximum price of \$1.20 per dozen, f. o. b. factory.

(b) The applicant shall report to purchasers the following base price, maximum price and permitted increase, per dozen, as required by § 1341.106 (a):

Base price	Maximum price	Permitted increase
\$1.05	\$1.20	\$.15

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) The applicant shall not change its customary allowances, discounts, or other price differentials, including price differentials between different classes of purchasers unless such change results in a lower price.

(e) Unless the context otherwise requires, the definitions set forth in § 1341.110 of Maximum Price Regulation No. 185 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(f) This Order shall become effective January 28, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1441; Filed, January 27, 1943;
12:33 p. m.]

[Order 6 Under MPR 185]

ROOD AND MCLEAN FRUIT PRODUCTS

APPROVAL OF MAXIMUM PRICE

Order No. 6 under Maximum Price Regulation No. 185—Canned Fruits and Canned Berries.

Approval of maximum price for Rood & McLean Fruit Products, Westfield, N. Y.

The applicant, Rood and McLean Fruit Products, has filed an application for specific authorization for a maximum price for Red Sour Cherry Juice in pint bottles, pursuant to § 1341.102 (e) of Maximum Price Regulation No. 185.

Due consideration has been given to the information submitted by the applicant with respect to the packing of Red Sour Cherry Juice in pint bottles.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered, That:*

(a) The applicant, Rood and McLean Fruit Products, may sell, offer to sell and deliver and any person may buy, offer to buy or receive from the applicant, Red Sour Cherry Juice in pint bottles at a price no higher than the maximum price of \$1.93 per dozen, f. o. b. factory.

(b) The applicant shall report to purchasers the following base price, maximum price and permitted increase, per dozen, as required by § 1341.106 (a):

Base price	Maximum price	Permitted increase
\$1.75	\$1.93	\$.18

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) The applicant shall not change its customary allowances, discounts or price differentials, including price differentials between different classes of purchasers, unless such change results in a lower price.

(e) Unless the context otherwise requires, the definitions set forth in § 1341.110 of Maximum Price Regulation No. 185 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(f) This order shall become effective January 28, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1442; Filed, January 27, 1943;
12:33 p. m.]

[Order 141 Under MPR 188]

PLAS-TI-FIBRE CORPORATION

APPROVAL OF MAXIMUM PRICES

Order No. 141 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales of a new Plas-Ti-Pad manufactured by Plas-Ti-Fibre Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, Executive Order No. 9350, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of the General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 141 sets maximum prices for sales of two new types of scouring pads designated as "Plas-Ti-Pads" and "Industrial Size Plas-Ti-Pads" manufactured by Plas-Ti-Fibre Corporation, 111 West Washington Street, Chicago, Illinois.

(1) For sales of the manufacturer, the maximum prices are the following:

[All prices are f. o. b. factory]

Gross lots	Plas-Ti-Pads	Industrial size Plas-Ti-Pads
	Per gross	Per gross
100.....	\$8.00	\$15.00
25.....	8.15	15.30
5.....	8.25	15.50
Less than 5.....	8.50	16.00

(2) For sales at wholesale, the maximum prices are \$9.60 per gross for the Plas-Ti-Pads and \$19.20 per gross for the Industrial Size Plas-Ti-Pads. The wholesale prices are f. o. b. seller's city.

(3) For sales at retail, the maximum price for the Plas-Ti-Pad is 10 cents per package and for the Industrial Size Plas-Ti-Pad, 20 cents per package.

(b) To every package of Plas-Ti-Pad and Industrial Size Plas-Ti-Pad shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price.

(c) At or before the time of first delivery after the effective date of this regulation the manufacturer shall notify in writing every person who buys from him of the maximum price set by this Order No. 141 for resales by the purchaser. This written notice may be given in any convenient form; for example, it may be shown on or attached to the invoice, or packed with the merchandise.

(d) Unless the context otherwise requires, the definitions set forth in

§ 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This Order No. 141 shall become effective on the 28th day of January 1943. Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1443; Filed, January 27, 1943;
12:31 p. m.]

[Order 142 Under MPR 188]

MARLIN FIREARMS COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 142 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Maximum prices for sales of a new razor blade sharpener, manufactured by Marlin Firearms Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of the General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 142 sets maximum prices for sales of a new razor blade sharpener, designated as the Marlin Blade Sharpener, Patent No. 2133284, manufactured by Marlin Firearms Company, 17 East 42nd Street, New York City. The order applies to sales in the forty-eight states and the District of Columbia.

(1) The maximum price for sales to wholesalers by Marlin Firearms Company and its distributing corporation, Kenro Products, Inc., 17 East 42nd Street, New York City, is \$1.79 per dozen, delivered.

(2) The maximum price for sales by wholesalers to retailers is \$2.18 per dozen, delivered.

(3) The maximum price for sales at retail is \$.29 each.

(b) Upon the display card on which the sharpeners are mounted, the manufacturer or its distributing corporation shall stamp or print a statement that the retail ceiling price is \$.29. This requirement shall not apply, however, to sharpeners delivered prior to January 28, 1943.

(c) Kenro Products, Inc., shall notify every person who buys from it of the maximum price set by this Order No. 142

for resales by the purchaser. The notice shall be given at or prior to the first invoice to each purchaser after January 27, 1943. It may be given in any convenient form. For example, a statement in the following form on an invoice to a wholesaler will be sufficient: "Your ceiling price, set by an OPA order, is \$2.18 per dozen, delivered."

(d) This Order No. 142 shall become effective January 28, 1943.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1436; Filed, January 27, 1943;
12:33 p. m.]

[Order 32 Under RPS 6]

WHEELING STEEL CORPORATION

ORDER GRANTING RELIEF

Order No. 32 under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-31.

On November 12, 1942, Wheeling Steel Corporation, of Wheeling, West Virginia, filed a petition for exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this order No. 32 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250 and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Wheeling Steel Corporation may sell and deliver and agree, offer, solicit and attempt to sell and any person may buy and receive from Wheeling Steel Corporation open hearth sheet bars and open hearth rerolling slabs produced at its Portsmouth, Ohio, plant pursuant to directives or allocations of the War Production Board, at prices not in excess of those stated in paragraph (b).

(b) (1) The maximum base price which may be charged for open hearth sheet bars is \$38.00 per gross ton, f. o. b. Portsmouth, Ohio.

(2) The maximum base price which may be charged for open hearth rerolling slabs is \$34.00 per gross ton, f. o. b. Portsmouth, Ohio.

(3) The maximum base prices set forth in (1) and (2) above shall be applicable to all shipments made after November 7, 1942.

(c) All prayers of the petitioner not granted herein are denied.

(d) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(f) This Order No. 32 shall be effective as of November 7, 1942.

Issued this 27th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1446; Filed, January 27, 1943;
12:29 p. m.]

[Suspension Order 188, Amendment 1]

LAWLER'S SERVICE STATION

ORDER RESTRICTING TRANSACTIONS;
RECONSIDERATION

On January 16, 1943, Nicholas P. Lawler, doing business as Lawler's Service Station, 403 "S" Street NW., Washington, D. C., filed a petition for reconsideration of Suspension Order No. 188 issued against the petitioner on December 23, 1942. The matter has been duly considered by the Deputy Administrator in Charge of Rationing.

It is hereby ordered:

Paragraph (e) of Suspension Order No. 188 is amended to read as set forth below and as amended Suspension Order No. 188 is affirmed:

(e) This Suspension Order No. 188 shall become effective 12:01 a. m. December 28, 1942, and shall expire 12:01 a. m. January 27, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Dir. No. 1 (7 F.R. 562); Supp. Dir. No. 1H (7 F.R. 3478, 3877, 5216); Supp. Dir. 1 Q (7 F.R. 9121))

Issued and effective this 27th day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-1457; Filed, January 27, 1943;
4:08 p. m.]